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51st Annual Report

of

THE ONTARIO MUNICIPAL BOARD

Year Ending

December 31st, 1956.

PRESENTED TO THE LEGISLATIVE ASSEMBLY

BY COMMAND

Re: 51st Annual Report.

Dear Sir:

I have the honour to send you herewith the 51st Annual Report of The Ontario Municipal Board covering the year ending on December 31, 1956.

Your obedient servant,

(sgd.) L. R. CUMMINS
Chairman.

The Honourable W. K. Warrender, Q.C.,
Minister of Municipal Affairs,
Parliament Buildings,
Toronto.

FIFTY-FIRST ANNUAL REPORT

OF

THE ONTARIO MUNICIPAL BOARD

For the Year 1956.

The Ontario Municipal Board, established in 1905, is a body of five members appointed by the Lieutenant Governor in Council. Its functions are to hear and determine appeals from decisions of municipal councils and boards of revision, and to make recommendations to the Government of Ontario regarding municipal government and administration. The Board's decisions are subject to review by the Minister of Municipal Affairs and Housing.

PART I

MEMBERSHIP AND ORGANIZATION

During the period covered by this report the Membership and Organization of the Board was as follows:

L. R. CUSHING, M.A., Q.C., (Appointed February 15, 1950)	Chairman
J. A. KENNEDY, Q.C., (Appointed October 1, 1956)	Vice-Chairman
R. G. HENLAND, (Appointed June 10, 1947)	Vice-Chairman
H. H. YATES, (Appointed June 1, 1947) (Transferred to the Ontario Highway Transport Board April 16, 1956)	Member
A. I. KENNEDY, (Appointed February 15, 1951)	Member
C. W. YATES, Q.C., (Appointed August 15, 1951)	Member
C. F. HUNN, (Appointed July 1, 1952)	Member
W. GREENWOOD, B.Sc., (Appointed January 1, 1953)	Member
D. JAMIESON, (Appointed December 1, 1955)	Member
V. S. Milburn, (Appointed April 1, 1956)	Member

O. R. CHAPMAN, B.A., (Appointed March 1, 1956)	Secretary
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On December 31st, 1956, in addition to the Members listed above and the Secretary, the Board's staff consisted of thirty persons. All Members and staff are full-time employees and the Board's offices during the year were located in the Ontario Government Building at 145 Queen Street West, Toronto.

PART II

APPLICATIONS TO THE BOARD

The organization of The Ontario Municipal Board is provided for in The Ontario Municipal Board Act (R.S.O. 1950 Chapter 262), as amended. In addition to the general powers contained in that statute the Legislature has entrusted to the Board many other duties and responsibilities covering a great variety of subjects which are to be found in numerous general and special Acts which have been passed since it was first constituted as The Ontario Railway Board in 1906. A complete and accurate list of the statutes now in force giving jurisdiction to the Board is not yet available but a reference to new legislation passed during the year 1956 affecting either the jurisdiction of the Board or related matters of procedure has been prepared and will be found in Part III of this report.

A summary of the number of applications received, orders issued and days required for public hearings is contained in the following table with comparative totals for the previous year:

<u>Number of Applications:</u>		<u>1956</u>	<u>1955</u>
Capital expenditures	2,130		2,541
Miscellaneous	<u>1,424</u>	3,554	<u>1,253</u> 3,794
<u>Number of Orders issued:</u>			
Capital expenditures	4,324		4,391
Miscellaneous	<u>1,008</u>	5,332	<u>808</u> 5,199
<u>Days of Public Hearings:</u>			
Annexations and Amalgamations	39		
Arbitrations	208		
Assessment Appeals	115		
Capital expenditures	308		
Incorporations and erections	4		
Restricted Area by-laws including references and appeals under The Planning Act.	759		
Miscellaneous	<u>10</u>	1,443	<u>1,375</u>

It will be seen that although the total number of new applications was slightly smaller than the total for the previous year there was a substantial increase in the number of days required for public hearings and in the number of orders issued. As will be seen by a reference to Schedule "A" there was also a very substantial increase in the total amount of municipal capital expenditures approved. On the whole there has been no indication of any reduction in the actual volume of work handled by the board and its staff, and there appears to be an increase in the number of applications which require exhaustive enquiries and the adjudication of highly contentious issues.

Before reviewing the work of the Board during the year it is felt desirable to point out once more that the Board does not exercise any power or initiate any investigations or enquiries on its own motion. Its sole function is to deal with applications made to it under the authority of provincial legislation which gives the board jurisdiction to make orders, or requires its approval or consent, in respect of proposals emanating from elected municipal councils or their local boards. The board has certain basic responsibilities with respect to all types of applications. In the first place it must be sure that the existing legislation clearly gives the board sufficient jurisdiction and power to receive and dispose of the particular application before it. If the legislature has not granted such jurisdiction, the board cannot proceed further with the application. In the second place, where the application is made on behalf of a municipality or a local board, the board must be satisfied that the local body has statutory authority to proceed with the proposed work or project or to adopt the by-law which is submitted for the board's approval and that it has also complied with all statutory conditions and requirements imposed by the legislature. Finally, the board must, on the basis of the material filed and any other available relevant information and the evidence and arguments submitted at the public hearing, if one is held, decide whether it is

in the interest of the municipality and the residents and ratepayers concerned that the application should be approved. As amendments to the enabling legislation are constantly being made in accordance with the evolution of provincial policy, the board members and staff must at all times be familiar with the entire body of legislation. From time to time difficult questions of interpretation must be decided subject, of course, to the statutory right of appeal to the Court of Appeal on all questions of interpretation of the statutes or other questions of law. The board occasionally brings to the attention of the Department of Municipal Affairs practical difficulties experienced in the administration of the legislation and for administrative purposes its members and staff are included in the organization of the department. However, its functions and responsibilities as an administrative tribunal under the various statutes giving it jurisdiction are exercised independently and on its own responsibility and solely on the basis of the information and material properly placed before it in support of or in opposition to each individual application.

MUNICIPAL CAPITAL EXPENDITURES

Among the major divisions of the applications dealt with the consideration of proposed capital expenditures involving additions to the financial obligations of the municipalities must be considered of first importance. The board's responsibilities under this heading must be exercised with a clear understanding of the need for sound municipal financing as the foundation for the continued progress, not only of the municipalities, but of the province as a whole. During the year the growth of the urban and suburban municipalities and the resulting pressure for costly municipal public works and improvements and new school accommodation has continued with unabated force and is reflected in the substantial increases in the amount of the capital expenditure approvals. At the same time and especially during the last half of the year, the municipalities have experienced serious difficulties in obtaining

the necessary capital funds to finance their projects. Increasing demands for money to finance major undertakings of the senior governments and their agencies and heavy capital expenditures in the mining, industrial and commercial fields have resulted in a substantial reduction in the amount of funds available to the municipality for temporary financing, rapidly increasing interest rates on new issues and a more careful scrutiny of the financial position of the borrowing municipalities by underwriters and potential investors. These conditions have served to emphasize the responsibilities of the board in considering applications for approval of new projects, and in the latter part of the year the board felt it necessary, for the first time, to require the municipalities to furnish satisfactory evidence that specific arrangements had been made for temporary or long term financing before receiving orders of the board granting approval under Section 57 of The Ontario Municipal Board Act. This new requirement was also intended to discourage what seemed to be an increasingly prevalent tendency to provide temporary capital financing from current revenues. In the opinion of the board, this practice is not only unsound and dangerous but is also contrary to the express provisions of The Municipal Act which make a clear distinction between temporary loans for capital expenditures and current borrowings pending receipt of the annual taxes.

As in previous years the board has prepared a detailed classification of proposed municipal capital expenditures approved during the year and this will be found in Schedule "A". The following table shows the number of new applications received and the total amount approved in each of the past three years:

<u>Year</u>	<u>Number</u>	<u>Amount</u>
1954	1,942	\$240,500,570.47
1955	2,541	\$215,678,123.75
1956	2,130	\$245,693,370.27

Under Section 61 of The Ontario Municipal Board Act a municipality, if it so desires, may apply to the board for an order

approving a debenture by-law and subsequently for a certificate of the validity of each of the debentures issued thereunder. A great number of municipalities avail themselves of this opportunity as the legislation provides that when the by-law has been so approved and the debentures certified in accordance with the statute, the by-law and every debenture issued thereunder shall, for all purposes, be valid and binding and their validity shall not be contested or questioned in any manner. The total amount of municipal debentures certified by the board under this legislation during the year was \$79,632,323.

ANNEXATIONS

As in the previous year, applications for extension of municipal boundaries by way of annexation continued to require a considerable portion of the board's time and accounted for many days of public hearings. 35 new applications were filed and 33 written decisions were issued disposing of applications which had been heard during the year or previously. In 29 cases the annexations applied for were granted either wholly or in part and 4 applications were dismissed after the public hearing for the reasons set forth in the various decisions. No petition of objection in accordance with the amended legislation was filed with the Clerk of the Executive Council with respect to any of the annexation decisions issued during the year. A complete list of the applications disposed of during the year will be found at the conclusion of this section of the report.

One major decision issued during the year followed the second hearing of the application of the City of Hamilton for the annexation of a large portion of the Township of Saltfleet and the re-consideration by the board of the extensive evidence offered at the original hearing and supplementary evidence and exhibits presented to the board at the second hearing which extended over several days and which had been directed by the Lieutenant-Governor in Council. Another important decision was released on February 22nd, 1956 providing for the annexation to the City of Cornwall of the southern portion of the Township of Cornwall comprising more than 20,000 acres of land. This annexation became effective in accordance with the board's decision, on January 1st, 1957. A decision reflecting the

recent large scale developments in uranium mining in central Ontario was issued on August 31st, 1956 providing for annexation to the Village of Bancroft of nearly 4,000 acres in the adjoining Township of Faraday. In addition substantial extensions of the boundaries of the Towns of Kespeler, Grimsby, Brampton, Paris, Galt, Kapuskasing and the City of Kitchener should be mentioned.

ANNEXATIONS DECIDED - 1956.

Date of Decision	Applicant	From	Effective Date	Acres	File Number
January 23, 1956	Richmond Hill	Twp. Vaughan	March 1, 1956	25	R-3950
February 13, 1956	Chatham	Twp. Raleigh	March 1, 1956	5	R-4159
February 13, 1956	Hamilton	Twp. Saltfleet	February 15, 1956	2,000	R-1175
February 21, 1956	Simcoe	Twp. Woodhouse	January 1, 1956	395	R-3614
February 22, 1956	Galt	Twp. N. Dumfries	March 1, 1956	14.045	R-4032
February 22, 1956	Cornwall	Twp. Cornwall	January 1, 1957	20,000	R-1742
March 13, 1956	Kapuskasing	Twp. O'Brien	April 1, 1956	453	R-4072
March 19, 1956	Kespeler	Twp. Waterloo	July 1, 1956	752	R-4112
March 26, 1956	Aylmer	Twp. Palanide	May 1, 1956	14.71	R-4069
April 13, 1956	Grimsby	Twp. N. Grimsby	June 30, 1956	292	R-3984
April 17, 1956	Sudbury	Twp. McKim	June 1, 1956	5.39	R-4403
April 19, 1956	Orillia	Twp. Orillia	June 1, 1956	66.9	R-3937) R-3969)
May 8, 1956	Brampton	Tp. Chingacousy	March 30, 1956	400	R-4347
May 9, 1956	Galt	Twp. N. Dumfries	July 1, 1956	140	R-4308
May 15, 1956	Long Branch	Twp. Toronto	June 30, 1956	0.5	R-4463
June 1, 1956	Delhi	Twp. Alachua	June 30, 1956	49.58	R-4753) R-4783)
June 1, 1956	Fort Stanley	Twp. Southwold	January 1, 1957	117.90	R-4306
June 25, 1956	Chatham	Twp. Raleigh	August 1, 1956	15	R-4759
June 27, 1956	Kitchener	Twp. Waterloo	August 1, 1956	574.87	R-4347
July 16, 1956	Leamington	Twp. Huron	September 1/56	59.908	R-4389
August 28, 1956	Pembroke	Twp. Pembroke) Twp. Stafford)	October 1, 1956	75) 75)	R-4324
August 31, 1956	Bancroft	Twp. Faraday	October 8, 1956	3,940	R-4452
September 13, 1956	Blind River	Unorganized Twp. Cobden	October 15, 1956	160	R-4279

Annexation Decisions - 1956, continued..

Date of Decision	Applicant	From	Effective Date	Average	File Number
September 17, 1956	Cochrane	Olackmeyer	January 1, 1957	76.36	H-9058
October 22, 1956	Alexandria	Twp. Kenyon	January 1, 1957	108.49	H-3742
November 16, 1956	Downsville	Twp. Darlington	January 1, 1957	140	H-9068
November 21, 1956	Paris	Twp. S. Dumfries) Twp. Brantford)	January 1, 1957	736 32	H-3637
November 28, 1956	Galt	Twp. N. Dumfries	January 1, 1957	7.31	H-5353) H-5421)
December 11, 1956	Fort Hope	Twp. Hope) Twp. Hamilton)	January 1, 1957	107.5) 12.8)	H-5202
January 27, 1956	Trenton	Twp. Sidney) Twp. Murray)	dismissed	217	H-3837
February 7, 1956	Thorold	Twp. Thorold	dismissed	3,957	H-4721
February 21, 1956	Galt	Twp. N. Dumfries	dismissed	2,155	H-3460
December 3, 1956	Aurora	Twp. King	dismissed	514.39	H-9047

ARBITRATIONS

During the year the board was required to deal with thirty-nine claims for lands taken or injuriously affected by provincial or municipal authorities in the exercise of their statutory powers. Many of these cases involved very substantial claims and 208 days of public hearings were required. In addition there were five applications for enlargements or alterations in special rate areas, ten applications to the board under The Municipal Drainage Act, and two appeals from arbitration authorities apportioning capital and current costs in high school districts under The Secondary Schools and Boards of Education Act 1954. The statutory jurisdiction invoked in these applications is indicated in the following table:

The Conservation Authorities Act

The Highway Improvement Act

The Municipal Act

The Municipal Drainage Act

The Power Commission Act

The Public Works Act

The Secondary Schools and Boards of Education Act

The St. Lawrence Development Act, 1952 (No. 2)

ASSESSMENT APPEALS

In the year 1956 a total of 272 assessment appeals were filed with the board under the various appeal sections of The Assessment Act. Owing to the fact that in most cases these appeals are received late in the fall a considerable number were pending and awaiting a hearing at the end of the calendar year. The board's records show that 32 appeals were withdrawn or abandoned prior to the actual hearing, 19 appeals resulted in a reduction of the assessment, and in 24 cases the appeal was dismissed. In 3 other cases the board dismissed the appeal for lack of jurisdiction. During the year 153 separate appeals were made under Section 124 of The Assessment Act by the Township of Black River from decisions of the Court of Revision of that municipality which, in effect, set aside all the assessments in a certain section of the township. Five of these appeals had been heard and allowed by the board, and in the remaining cases the municipality proceeded with the collection of taxes levied on the original assessments on the assumption that the action of the Court of Revision was unauthorized and invalid.

During the year the legislation conferring the right to appeal to the board directly from decisions of the Court of Revision was repealed and all such appeals must now be made to the County Judge in the first instance, with a subsequent right of appeal to the board regardless of the amount involved. This legislation came into effect on March 28th, 1956 and appears to have had the desired effect of reducing the number of minor or frivolous appeals requiring the attention of the board.

THE PLANNING ACT 1955.

Municipal activity in the field of community planning again accounted for a substantial increase in the number of matters coming before the board under this legislation, particularly by way of appeals from decisions of local Committees of Adjustment under Section 18 of the Act which numbered 74 during the year, and references to the board of applications for approval of Official Plan amendments and proposed subdivisions either at the instance of the applicant or the Minister under

Section 29. There were also a number of direct appeals to the board from the refusal or neglect of a local council to initiate amendments to Official Plans under Section 14 (3). All these applications required separate public hearings in the municipality concerned. In the great majority of the cases coming before the board under this legislation the board is required to adjudicate highly contentious issues where it becomes necessary to harmonize as far as possible the rights of property owners and plans and regulations adopted by the local authorities which are designed to protect the interests of the community at large.

RESTRICTED AREA BY-LAWS

The responsibilities of the board under Section 390 of The Municipal Act requiring its approval of local zoning by-laws continued to increase during the year. The number of these applications filed during the year with comparative figures for previous years is as follows:

Year	Restricted Area By-laws (new)	Restricted Area By-laws Amending or Repealing.	Total
1953	184	335	519
1954	169	419	588
1955	183	465	648
1956	146	641	787

It will be noted that there has been a substantial increase in the number of such applications in each of the past four years. The numerical increase, however, does not accurately reflect the amount of time which the board has been required to devote to these by-laws. In every case a public hearing is required in the municipality concerned, directions as to service or publication of the notice of the hearings must be given and at the hearing much time must be devoted to the consideration of numerous individual and general objections which may be raised. Many of the issues are highly controversial and the hearing of a major application may extend over several days. Close co-operation with the Department of Planning and Development is required in order to prevent any conflict between such by-laws and existing Official Plans, and in

many cases a physical inspection of the area and the properties affected is necessary before a decision can be reached. During the year a number of the earlier general zoning by-laws adopted by councils which were then pioneers in this field were revised and consolidated and submitted to the board for approval requiring lengthy public hearings and a careful review of complicated regulations.

PART III

1956 LEGISLATION AFFECTING THE JURISDICTION OF
THE ONTARIO MUNICIPAL BOARD

1. The Assessment Amendment Act, 1956 (O.S. 1956, C. 3)
Effective March 28, 1956)

Subsection 1 of Section 12 of the existing Act is amended to give the members of the Board the same rights of access to properties as are granted to municipal assessors for the purpose of making a proper assessment.

Section 80 of the existing Act is rewritten to provide for an appeal to the Board only from a decision of the County Judge under Sections 50, 51, 51(a) and 124. The previous rights of appeal directly from the decision of the Court of Revision are not continued.

Subsection 3 of the same subsection is amended by deleting Section 77 from the previous list of sections relating to procedure and costs on appeals to the County Judge which are made applicable to appeals to the Board. The effect is to permit the Board in a proper case to make orders as to costs under the authority of The Ontario Municipal Board Act.

Section 83 is rewritten to clarify the powers and duties of the Court of Revision, the County Court Judge and the Ontario Municipal Board on appeal with respect to any assessment.

A new section 83(a) is enacted to provide a period of limitation within which actions in the ordinary courts may be taken with respect to an alleged illegal assessment.

Section 124 is amended so as to delete the former right to appeal directly from the Court of Revision to the Ontario Municipal Board.

2. The Ontario Municipal Board Amendment Act, 1956 (O.S. 1956, C. 60)
(Effective March 28, 1956)

Clause (c) of subsection 1 of Section 1 has been amended to make the definition of the word "municipality" as used in the Act conform with the definition of the same word in The Department of Municipal Affairs Act.

Subsection 2 of Section 5 of the Act is rewritten to provide that the Lieutenant-Governor in Council may appoint one or more vice-chairmen. The former reference to a senior and a junior vice-chairman is not continued.

Sections 8 and 9 of the Act are rewritten so as to conform with the new Section 5(2).

Subsection 2 of Section 11 is amended to provide for a larger number of persons who may be authorized to sign orders and other documents made or issued by the Board.

Sections 15, 30, 31, 32 and 34 of the Act are repealed.

Subsection 2 of Section 60 is amended so as to make the statutory delay of thirty days unnecessary in the case of a consolidating debenture by-law if every by-law consolidated was finally passed at least thirty days before certification.

Section 66 is amended by adding a new subsection 2(a) providing that where the Board has dispensed with the consent of the electors and approved an expenditure for any purpose it may without a further public hearing grant approval of additional expenditures for the same purpose not exceeding 25 per cent of the original expenditure approved.

Subsection 1 of Section 83 of the Act is amended to conform to the previous amendment with respect to signing officers.

Subsection 7 of Section 98 of the Act is amended to confirm the right of the Board to rescind or vary its own decisions under Section 46.

3. The Public Health Amendment Act, 1956 (O.S. 1956, C. 71) new Section 106.
(Effective March 28, 1956)

Section 106 of the Act has been entirely rewritten to clarify the duties and responsibilities of the Board in respect of a sewage project undertaken by a municipality which is to be continued in or situated wholly or partly in one or more adjoining municipalities.

New subsections 20, 21 and 22 provide that claims for compensation for lands taken or injuriously affected by the construction or operation of a municipal sewerage project must be determined by the Board and not otherwise and Section 349 and other relevant sections of The Municipal Act are made to apply to such claims.

Subsection 23 provides that when any such project has been or is constructed or operated with the approval of the Department and in accordance with the terms and conditions imposed in any order or direction of the Department, the Minister or the Board, it shall be given the protection afforded works constructed or operated by statutory authority, but the right of any person to claim compensation for damages necessarily sustained is protected by subsection 24.

4. The St. Lawrence River Development Amendment Act, 1956 (O.S. 1956, C. 85)
(Effective March 28, 1956)

Subsection 1 of Section 13 of the Act is amended to permit the Commission to apply to the Board for the settlement of compensation claims whether or not the particulars of the claim have been received from the claimant.

5. The Territorial Division Amendment Act, 1956 (O.S. 1956, C. 88)
(Effective March 28, 1956)

Amendments are made to Sections 6, 7, 8 and 9 of the Act to remove the apparent conflict between the general powers of the Board under The Municipal Corporations Quieting Orders Act and the powers given to the Lieutenant-Governor in Council under this Act.

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PART IV

GENERAL

REVENUE

Section 102 of The Ontario Municipal Board Act provides for the payment of such fees as the board may direct on every application made or order issued, regard being had to the time occupied by the board and its officers and the expense occasioned to the Province. In compliance with this requirement the board has adopted a tariff of fees payable on various types of applications and orders, a copy of which is available without charge, upon application to the Secretary.

The following table sets forth the fees received by the board and transferred to the Treasurer of Ontario for the fiscal year ending March 31, 1956 and the preceding three years. In conformity with the present system of provincial accounting, this table is given for the fiscal year only, in contrast to other statistics contained in this report which are made for the calendar year ending December 31st, 1956.

<u>Fiscal Year</u>	<u>Amount</u>
1952-53	\$170,694.04
1953-54	204,081.27
1954-55	244,674.90
1955-56	264,098.16

As a matter of interest the revenues of the board for the calendar year amounted to \$272,579.54.

PUBLICATION OF ANNUAL REPORT

As in past years the annual report for the year under review will be printed in permanent form and a reasonable number of copies made available for distribution to municipal officials, educational institutes, libraries and others interested. In response to requests for more adequate publication of the written decisions of the board,

arrangements are being made for inclusion in the printed volume of a selection of such decisions properly classified and indexed.

CHANGES IN THE BOARD'S MEMBERSHIP

During the year three changes in the membership of the board were made as previously indicated on page four of this report. Mr. R. B. Yeates who was originally appointed as a member of the board on June 1st, 1947 became a member of the newly organized Ontario Highway Transport Board on April 16th, 1956, after nearly ten years of faithful service as a member of the Ontario Municipal Board. On April 1st, 1956, Mr. V. S. Milburn, former Secretary of the Ontario Federation of Agriculture was appointed as a member of the board. His long experience with farm organizations and his knowledge of conditions in the rural municipalities will undoubtedly be of great assistance to the board.

On October 1, 1956, Mr. J. A. Kennedy, B.C., a well known barrister with a general practice in the City of Windsor and a former member of the council of that city, was appointed as a member and vice-chairman of the board. His outstanding professional qualifications and his lengthy experience as solicitor for the rapidly growing suburban townships of Sandwich East and Sandwich West will assist the board in dealing with the manifold problems of similar municipalities arising from the continued growth of the cities and towns in every section of the province.

All of which is respectfully submitted.

Dated at Toronto this 27th day of February, 1957.

L. R. CUMING,
Chairman.

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Dated at Toronto this 27th day of February, 1957.

L. E. CUMMINS,
Chairman.

SCHEDULE "A"

CLASSIFICATION OF MUNICIPAL CAPITAL EXPENDITURES

APPROVED DURING 1956

SHOWING COMPARATIVE FIGURES FOR 1955

I MUNICIPAL

	Amount Approved		Totals	
	1956	1955	1956	1955
(1) <u>General Government:</u>				
Civic Buildings	9,922,853.00	6,153,700.00	9,922,853.00	6,153,700.00
(2) <u>Protection to Persons & Property:</u>				
Fire	1,313,743.99	7,081,072.54		
Police	302,210.00	306,600.00		
Court House				
Registry Offices	4,955,000.00	3,628,000.00		
Jails				
Street Lighting	52,480.12	45,121.91	6,823,464.11	10,960,794.45
(3) <u>Public Works:</u>				
Streets, roads, lanes	43,555,301.96	52,869,767.55		
Sidewalks	5,013,720.25	4,346,823.68		
Bridges	1,435,004.50	3,058,427.30		
Tunnels & Subways	746,000.00	386,580.50		
Road Machinery	1,143,596.10	914,097.93		
Workshops & Yards	7,500.00			
Watermains	21,403,921.75	10,604,950.86		
Storm sewers & drains	12,402,240.06	9,870,303.33		
Conservation	28,500.00	30,000.00		
Shore protection	177,400.00	310,400.00	83,913,084.52	82,373,259.15
(4) <u>Sanitation & Waste Removal:</u>				
Sanitary sewers	27,953,122.32	19,011,262.73		
Sewage Treatment	7,117,755.88	4,799,749.50		
Garbage	463,952.96			
Waste Collection & disposal.	227,453.00	539,400.00	35,762,289.16	24,350,412.23
(5) <u>Health:</u>				
Hospitals	5,173,300.00	2,686,443.77	5,173,300.00	2,686,443.77
(6) <u>Local Welfare:</u>				
Welfare Offices		1,710,000.00		
Home for Aged	3,966,467.19	2,636,530.69	3,966,467.19	4,366,530.69
(7) <u>Recreation Services:</u>				
Amusement Parks & playgrounds	882,000.00	621,000.00		
Golf Courses	55,000.00	799,000.00		
Arenas & Pinks	655,493.00	361,000.00		
Memorial Arenas		232,540.00		
Swimming pools, beaches & baths	361,610.00	260,000.00		
Community Centres	883,300.00	653,000.00	2,817,303.00	2,906,540.00

SCHEDULE "A" - Continued.

(8) Community Services:	Amount Approved		Totals	
	1954	1955	1956	1955
Libraries	356,661.16	979,000.00		
Markets, Museums	5,000.00			
Housing	<u>42,000.00</u>	<u>80,000.00</u>	403,661.16	1,059,000.00

II EDUCATION

Elementary Schools	35,359,433.29	30,409,002.97		
High Schools	<u>24,104,740.45</u>	<u>15,658,143.16</u>	59,464,173.74	46,067,146.13

III MUNICIPAL ENTERPRISES

Electric Light	12,538,602.50	7,324,239.52		
Water works	8,436,179.61	18,972,117.35		
Transportation	155,200.00	495,850.00		
Telephone	828,000.00	1,000,710.00		
Gas works		18,160.24		
Acquisition of lands	11,220,275.00	5,327,880.00		
Brushing lands	128,000.00			
Hurricane		1,000,000.00		
Other	<u>2,200,517.78</u>	<u>60,308.30</u>	35,446,774.28	34,714,297.33

SUMMARY

General Government	150,782,422.24	134,856,680.29		
Education	59,464,173.74	46,067,146.13		
Municipal Enterprises	<u>35,446,774.29</u>	<u>34,794,297.33</u>	245,693,370.27	215,478,123.75

Capital Expenditures - 1956

SEPARATE STATEMENT OF LOCAL DEBT AND GENERAL DEBT

	<u>Local Debt</u>	<u>General Debt</u>	<u>Total</u>
General Government (1 & 2)		16,746,317.11	16,746,317.11
Public Works	32,929,809.34	52,983,275.28	85,913,084.62
Sanitation	16,856,218.99	18,906,070.17	35,762,289.16
Health		5,173,300.00	5,173,300.00
Local Welfare		3,966,467.19	3,966,467.19
Recreation Services		2,817,303.00	2,817,303.00
Community Services		403,661.16	403,661.16
Education		59,464,173.74	59,464,173.74
Electric Light		12,538,602.50	12,538,602.50
Water Area		8,426,179.01	8,426,179.01
Transportation		105,200.00	105,200.00
Telephones		828,000.00	828,000.00
Acquisition of lands		11,220,275.00	11,220,275.00
Brushing Land		128,000.00	128,000.00
Other		2,200,517.78	2,200,517.78
	<u>\$49,786,028.33</u>	<u>195,907,341.94</u>	<u>245,693,370.27</u>

Government
Publications

52nd Annual Report

of

THE ONTARIO MUNICIPAL BOARD

Year Ending

December 31st, 1957.

PRESENTED TO THE LEGISLATIVE ASSEMBLY

BY COMMAND

re: 52nd Annual Report

Dear Sir:

I have the honour to send you herewith the 52nd Annual Report of The Ontario Municipal Board covering the year ending on December 31, 1957.

Yours obedient servant,

(sgd).) L. R. CUMMING
Chairman

The Honourable W. K. Warrender, Q.C.,
Minister of Municipal Affairs,
Parliament Buildings,
Toronto.

FIFTY-SECOND ANNUAL REPORT

OF

THE ONTARIO MUNICIPAL BOARD

For the Year 1957.

PART I
MEMBERSHIP AND ORGANIZATION

During the period covered by this report the Membership and Organization of the Board was as follows:

L. R. CUMMING, M.A., Q.C., (Appointed February 15, 1950)	Chairman
J. A. KENNEDY, Q.C., (Appointed October 1, 1956)	Vice-Chairman
R. C. ROWLAND, (Appointed June 10, 1947)	Vice-Chairman
C. W. YATES, Q.C., (Appointed August 15, 1951)	Vice-Chairman
R. L. KENNEDY, (Appointed February 15, 1951)	Member
C. F. NUNN, (Appointed July 1, 1952)	Member
W. GREENWOOD, B.Sc., (Appointed January 1, 1953)	Member
D. JAMIESON, (Appointed December 1, 1955)	Member
V. S. MILBURN, (Appointed April 1, 1956)	Member

....

O. R. CHAPMAN, B. A., (Appointed March 1, 1955)	Secretary
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On December 31st, 1957, in addition to the Members listed above and the Secretary, the Board's Staff consisted of thirty-four persons. All Members and staff are full-time employees and the Board's offices during the year were located in the Ontario Government Building at 145 Queen Street West, Toronto.

PART II

APPLICATIONS TO THE BOARD

The organization of The Ontario Municipal Board is provided for in The Ontario Municipal Board Act, (R.S.O. 1950, Chapter 262), as amended. The Board was first constituted as The Ontario Railway and Municipal Board by The Ontario Railway and Municipal Board Act, 1906. In addition to the general powers conferred upon this Board by The Ontario Municipal Board Act, jurisdiction covering a great variety of other matters of an administrative nature is to be found in numerous general and special acts passed since the Board was first constituted and which are now in force. Reference to new legislation passed during the year 1957 affecting matters over which this Board has jurisdiction will be found in Part III of this report.

The following table gives a summary of the number of applications received, orders issued, and days required for public hearings during the year 1957 with comparative totals for the previous year:

<u>Number of Applications:</u>	<u>1957</u>		<u>1956</u>	
Capital expenditures	1,970		2,130	
Miscellaneous	<u>1,240</u>	3,210	<u>1,424</u>	3,554
<u>Number of Orders issued:</u>				
Capital expenditures	4,138		4,324	
Miscellaneous	<u>935</u>	5,073	<u>1,008</u>	5,332
<u>Days of Public Hearings:</u>				
Annexations & Amalgamations	51		39	
Arbitrations	153		208	
Assessment Appeals	123		115	
Capital Expenditures	290		308	
Incorporations & erections	6		4	
Restricted Area by-laws, including references and appeals under The Planning Act	828		759	
Miscellaneous	<u>10</u>	1,461	<u>10</u>	1,375

It will be observed that there has been a decrease from the previous year in the number of applications and in the number of orders issued. On the other hand, a reference to Schedule "A" will

disclose that there has been a very substantial increase in the total amount of municipal capital expenditures approved. This is explained in part by the fact that many of the projects undertaken are larger and also by the fact that more and more municipalities are adopting the practice of including various works in one application. The amount of work entailed for this Board and for its staff is measured always by the size of the project and by the number of works, so that the actual volume of business to be done annually is steadily increasing. Another cause of much increased work appears to be an increase in the number of applications which require exhaustive inquiries and the adjudication of contentious issues. Thus it will be observed that there is a further increase in the number of days of public hearings for the year 1957 over the previous year.

It is always desirable to keep in mind in reviewing the Board's work that the Board does not initiate any investigations or inquiries or exercise any other powers on its own motion. In the administration carried out by this Board, a major part of its duties and functions is concerned with applications made, under the authority of the various provincial statutes referred to above, for the approval or consent of the Board which is required before actions of elected municipal councils or of local boards can come into force or before various powers of such councils or boards can be exercised. In addition to the control of these phases of local municipal administration, the Board exercises other powers of adjudication within its own jurisdiction involving changes in the boundaries of local municipalities, arbitrations as to the amount of compensation to be paid owners of land expropriated, assessment appeals, and a variety of similar matters.

The basic general duty devolving upon the Board in

respect of these matters is to decide first that the applicable legislation as interpreted by the courts gives the Board jurisdiction to receive and dispose of the particular application before it. If such examination shows that the legislature has not effectively granted such jurisdiction, then the Board cannot proceed further with the application. When the Board decides that it has jurisdiction, if the application is made on behalf of a municipality or a local board, this Board must be satisfied further that the local body has authority to undertake the proposed work or project or to pass the by-law which is the subject of the application. Where it is necessary to do so the Board also determines that the local corporation has complied with all statutory requirements and conditions imposed by the legislature. The Board must decide also in the case of each application whether a public hearing is required. If it appears that any interests other than those adequately represented by the applicant might be prejudiced or even directly affected by the application, then persons having such an interest are given an opportunity to be heard before a decision is made by the Board. The function of the Board in these cases is to determine what is for the greatest common good and whether discretionary powers given local bodies by law have been properly and fairly exercised.

As circumstances develop and change from year to year it is quite natural that amendments, sometimes far-reaching, are made to the various statutes upon which the Board relies for its jurisdiction. Many of these new amendments present new questions of interpretation to be decided, subject, of course, to the statutory right of appeal to The Court of Appeal on all questions of interpretation of statutes or other questions of law. The Board does occasionally bring to the attention of the Department of Municipal Affairs practical difficulties either which are

found by the Board or which are found by municipal administrations and come to the attention of the Board in connection with applications made. The Board's real function and duties as an administrative tribunal are exercised independently on its own responsibility and solely on the basis of the information and material properly placed before it in support of or in opposition to each application.

MUNICIPAL CAPITAL EXPENDITURES

The function of the Board, which is perhaps of first importance, is the requirement contained in Section 67 of The Ontario Municipal Board Act, which provides in subsection 1 as follows:

- "(1) Notwithstanding the provisions of any general or special Act, a municipality shall not,
- (a) authorize; or
 - (b) exercise any of its powers to proceed with; or
 - (c) provide any moneys for, any undertaking, work, project, scheme, act, matter or thing, the cost or any portion of the cost of which is to be,
 - (d) raised in a subsequent year or years; or
 - (e) provided by the issue of debentures, until the approval of the Board has first been obtained."

A proper exercise of the Board's responsibility under this section requires careful consideration of the need for sound municipal financing. Progress of necessity creates additional debt, but unless debt is kept within the ability of the people to pay, then the benefit from such progress is seriously undermined. Unless properly limited municipal debt will almost certainly become an undue burden and could lead ultimately to the hardships which result from municipal insolvency. During the past few years there has been a substantial growth in most urban and suburban centres in this Province, requiring extensive and very costly municipal public works and improvements. Among these the providing of new school accommodation has been one of the greatest problems.

During the year 1957, on the other hand, many municipalities encountered real difficulty in selling their debentures in the open market. In a number of instances those with weaker credit found it impossible to do so. From the number of debenture issues purchased by The Ontario Municipal Improvement Corporation in cases covered by the statute governing that corporation, it appears that if these municipalities and boards had been unable to borrow from such a lending agency, a great many communities in the Province would have been deprived of many essential services, including new classrooms.

At the same time however this situation points up the great importance of the responsibility placed upon this Board with respect to the approval of capital expenditures. Municipalities which are in a sound financial position find it easier to borrow, especially in times of "tight money" and can usually borrow at a more advantageous rate of interest. It is clear, therefore, that anything this Board may do to keep a municipality in a strong credit position will make it easier for the council or local board to perform its duty in providing any capital improvement that may be required.

A new policy adopted by this Board in the latter part of 1956 requiring satisfactory evidence that specific arrangements had been made for temporary or long term financing before making orders of approval of projects was continued during the year 1957 without any apparent inconvenience to any of those concerned. On the other hand it was of course completely effective in preventing the undertaking of works which could not be completed and in preventing also any attempt to provide temporary capital financing from current revenue, an unsound practice that can easily lead to serious consequences.

As in previous years the Board has prepared a detailed classification of the number of municipal capital expenditures approved during the year 1957 and this will be found in Schedule "A". The following table shows the number of new applications received and the total amount approved in each of the past three years;

<u>Year</u>	<u>Number</u>	<u>Amount</u>
1955	2,541	\$215,678.123.75
1956	2,130	\$245,693,370.27
1957	3,210 1,970	\$258,634.295.33

Under Section 61 of The Ontario Municipal Board Act a municipality, if it so desires, may apply to the Board for an order approving a debenture by-law and subsequently for a certificate of the validity of each of the debentures issued thereunder. A great number of municipalities avail themselves of this opportunity as the legislation provides that when the by-law has been so approved and the debentures certified in accordance with the statute, the by-law and every debenture issued thereunder shall, for all purposes, be valid and binding and their validity shall not be contested or questioned in any manner. The total amount of municipal debentures certified by the board under this legislation during the year was \$71,835,425.95.

THE ONTARIO WATER RESOURCES COMMISSION

Under The Ontario Water Resources Commission Act, 1957 a municipality may enter into an agreement with the Commission for the construction and operation of waterworks or sewage works. The cost of construction and maintenance, including interest and debt charges and reserves for renewals, replacements and contingencies, is required to be repaid by the municipality annually during the currency of the agreement in the manner provided in the Act, and the agreement remains in force until all the obligations of the municipality to the Commission have been discharged. As such agreements create a debt which is to be retired in a future year or years the approval of the Board is required under Section 67 of The Ontario Municipal Board Act, and if it is intended that the annual payments to the Commission are to be raised in whole or in part by special rates of any kind the Board must also approve the special rating scheme

before the work is undertaken. Each application for approval of a proposed agreement is submitted to the Board by the Commission on behalf of the municipality or municipalities, and the Board must necessarily determine in the first instance whether the proposed additional debt is within the financial capacity of the municipality. The information and material required and the basis of the Board's decision is, in effect, the same as if the municipality were undertaking the project and financing it through the issue of its own debentures. If the Board considers that the project will not unduly increase the debt of the municipality it then considers any questions arising from the proposed special rates in respect of which jurisdiction has been given by the legislature.

During the year 1957, the Board granted final approval of nine projects to be undertaken by the Commission at an estimated cost of \$2,639,130. In addition it granted preliminary approval of eight projects estimated to cost \$4,701,280. Final approval of these projects will be granted if after completion of the final plans and specifications and receipt of tenders it is shown that the work can be built at a cost not exceeding the amount of the original estimate plus an additional 10%. As each of the projects approved is in effect undertaken by the Commission as agent for the municipalities concerned, the projects approved are not shown separately in the detailed statement of capital expenditures annexed to this report.

INCORPORATIONS, ERECTIONS AND DISSOLUTIONS

During the year the Board ordered the incorporation of one township, one town and three improvement districts. During the same period one police village was dissolved at the request of the trustees. As details of these changes are included in the annual report of the Department of Municipal Affairs it is not considered necessary that they should be repeated in this report.

ANNEXATIONS

Applications for extension of municipal boundaries by way of annexation continued to require a considerable portion of the Board's time and accounted for many days of public hearings. The Board's records show that during the year 25 written decisions were issued in respect of the applications made during the year or previously. In 19 cases the applications applied for were granted either wholly or in part and 6 applications were dismissed for reasons set forth in the various decisions. Two petitions of objection were filed with the Clerk of the Executive Council in accordance with the legislation and in each case the Lieutenant-Governor in Council subsequently confirmed the decision of the Board. Among the major decisions which were the subject of extensive public hearings during the year were those enlarging the Cities of Kitchener and Waterloo, the Towns of Brockville, Burlington and Campbellford and the Villages of Aurora and Bancroft. A complete list of the applications disposed of in the year will be found at the conclusion of this section of the report.

ARBITRATIONS

During the year 1957 the Board dealt with forty-nine cases brought before it for the determination of compensation or damages to be allowed for lands taken or injuriously affected by provincial or municipal authorities in the exercise of their statutory powers. A number of these claims were for very substantial sums and in all, 153 days were consumed in the public hearings.

In addition there were twelve applications to the Board under The Municipal Drainage Act and three appeals from arbitration authorities apportioning capital and current costs in High School Districts under The Secondary Schools and Boards of Education Act, 1954. The statutory

jurisdiction invoked in these applications is under one of the following statutes:

The Conservation Authorities Act

The Highway Improvement Act

The Municipal Act

The Municipal Drainage Act

The Power Commission Act

The Public Works Act

The Secondary Schools and Boards of Education Act

The St. Lawrence Development Act, 1952 (No. 2)

ASSESSMENT APPEALS

In the year 1957 a total of 146 assessment appeals were filed with the Board under the various appeal sections of The Assessment Act. Of these 104 were decided during the course of the year and in addition twelve which had been filed in the previous year were dealt with by the Board during the year 1957.

One very important question arising in connection with these assessment appeals is that of the jurisdiction of this Board as an administrative tribunal to hear and determine questions which may decide liability for taxation. It has been held by the courts in a series of cases that where the sole question or even the main question is whether the person or the property concerned is liable to or exempt from taxation, then this question is one that can only be decided by the courts and not by an administrative tribunal such as this Board. As the result of a recent judgment in the Ontario Court of Appeal, the procedure now followed by this Board in these cases is to determine first whether the Board has jurisdiction to hear the appeal. If the Board decides that it has jurisdiction then the hearing proceeds in the regular way. If the Board decides that it has not jurisdiction, then it declines to hear the appeal.

THE PLANNING ACT 1955

There are three distinct types of jurisdiction conferred upon this Board by The Planning Act. The first is by way of giving an appeal to the Board from the decision of a local Committee of Adjustment under Section 18 of the Act. During the year 1957 there were eighty-nine such appeals to the Board.

Another jurisdiction conferred on the Board by The Planning Act is by way of a reference to the Board for approval of a proposed amendment to the Official Plan of any municipality or other planning area.

The third jurisdiction conferred by that Act on this Board is the reference to this Board which may be made by the Minister of Planning and Development on his own motion or at the request of any person interested for approval of a proposed plan of subdivision. In all of these cases of course the Board directs notice of the hearing to all interested parties and the decision of the Board is rendered according to the facts and circumstances as they are made to appear at the hearing.

To clarify the issues and ensure for all those concerned an opportunity for adequate preparation, in the case of applications for approval of plans of subdivision the Board has established a procedure whereby those who will take part in the hearing are required to state in advance the grounds upon which they rely in support of or in opposition to the application. These statements are filed with the Board and delivered to opposite parties. In some cases it has been found that this clear definition of the issues in advance has brought about a settlement among those interested and in every case it has made for a clearer understanding by each side of the submission to be made by the opposite party.

RESTRICTED AREA BY-LAWS

By far the largest number of hearings which the Board must hold are those required in the exercise of its jurisdiction under Section 390 of The Municipal Act, requiring approval of local zoning by-laws and giving to the Board jurisdiction in certain other matters with respect thereto. The number of these applications for approval of local zoning by-laws filed during the year with comparative figures for previous years is as follows:

<u>Year</u>	<u>Restricted Area By-laws (New)</u>	<u>Restricted Area By-laws Amending or Repealing</u>	<u>Total</u>
1953	184	335	519
1954	169	419	588
1955	183	465	648
1956	146	641	787
1957	130	544	674

In addition to the above there were forty-five appeals to the Board from the refusal or neglect of local councils to pass local zoning by-laws and 161 of such appeals instituted in earlier years were disposed of by the Board during the year 1957.

In all these cases a public hearing is required to be held in the municipality concerned. The Board gives directions as to the service or publication of notice of the hearings in such a manner as to ensure that the hearing and the subject matter thereof shall be brought to the attention of the persons interested. At these hearings not only is a case in support of the by-law required to be made out by those supporting the application, but individual and general objections are heard and considered in detail. Many of the issues are highly controversial and the hearing of a major application may extend over several days.

A system of close co-operation with the Department of Planning and Development has been evolved for the purpose of preventing

any conflict between such by-laws and existing Official Plans and also for the purpose of making available to the Board the benefit of the knowledge and research of that Department, so helpful in zoning and planning matters. Some of the applications made to the Board during the year 1957 had to do with the revision and consolidation of earlier by-laws adopted by councils in the earliest days of planning and now brought more into line with existing requirements and revised in the light of the experience gained from actual administration. Obviously these by-laws are not static and must be amended and revised to keep pace with changing conditions and normal growth.

ANNEXATIONS DECISIONS - 1957

Date of Decision	Applicant	From	Effective Date	Area	File No.
January 23, 1957	Campbellford	Twp.Seymour	January 1, 1957	136.3	M-5173
January 24, 1957	Simcoe	Twp.Townsend	February 1, 1957	36.46	M-5521
January 24, 1957	Simcoe	Twp.Woodhouse	February 1, 1957	21.5	M-5522
January 29, 1957	Burlington	Twp.Nelson Twp.East Flamborough	January 1, 1958	19,000	M-5301 M-5302
February 13, 1957	Brockville	Twp.Elizabethtown	April 1, 1957	6,350	M. 5096
February 25, 1957	Tp.Dowling	Imp.Dist.of Onaping	Dismissed	20,800	M-4305
March 4, 1957	Sutton	Twp.Georgina	April 1, 1957	1.99	M-5650
March 20, 1957	Bancroft	Twp.Dungannon	May 1, 1957	350	M-5588
April 8, 1957	Trenton	Twp.Murray	May 15, 1957	4	M-5725
April 10, 1957	Oakville	Twp.Trafalgar	June 1, 1957	13.652	M-5864
May 6, 1957	Bridgeport	Twp.Waterloo	January 1, 1958	30.063	M-5839
May 9, 1957	Brampton	Twp.Chingua-cousy	July 1, 1957	4.261	M-5651
May 15, 1957	Twp.Balfour	Unorg.Twps. Morgan & Creighton	Dismissed	7,458. 7,517.	M-5145
May 15, 1957	Sudbury	Twp.McKim	June 30, 1957	3.94	M-5910
May 24, 1957	Waterloo	Twp.Waterloo	January 1, 1958	530.375	M-5937
June 20, 1957	Twp.Neelon & Garson	Twp.Falcon- bridge	Dismissed	11,373.	M-3881
June 21, 1957	Ridgetown	Twp.Howard	January 1, 1958	43.9	M-5405
July 5, 1957	Kitchener	Twp.Waterloo	January 1, 1958	3,770.	M-4730
August 9, 1957	Aurora	Twp.King	October 1, 1957	315.5	M-6181
August 12, 1957	Sudbury	Twp.McKim	October 1, 1957	91.66	M-5947
August 16, 1957	Streetsville	Twp.Toronto	Dismissed	1,550.	M-3615
September 26, 1957	Fort Erie	Twp.Bertie	November 1, 1957	9.5	M-6405
October 23, 1957	Twp.Hanmer	Twp.Capreol	Dismissed		M-5934

Annexations - continued

SCHEDULE "A"

CLASSIFICATION OF MUNICIPAL CAPITAL EXPENDITURES

APPROVED DURING 1957

SHOWING COMPARATIVE FIGURES FOR 1956

I MUNICIPAL

	Amount approved		Totals	
	1957	1956	1957	1956
1) <u>General Government:</u>				
Civic Buildings	\$7,566,451.00	\$9,922,853.00	\$7,566,451.00	\$9,922,853
2) <u>Protection to Persons & Property</u>				
Fire	1,287,747.15	1,513,743.99		
Police	145,573.91	302,240.00		
(Court Houses				
(Registry Offices				
(Jails	302,849.00	4,955,000.00		
(Corrective Institutions				
Street Lighting	126,548.65	52,480.12	1,62,712.71	6,23,464.15
3) <u>Public Works</u>				
a Streets, Roads, Lanes	23,020,872.90	43,555,201.96		
Expressways	47,000,000.00			
Acquisition of lands				
for expressways	8,885,680.00			
Sidewalks	4,255,395.48	5,013,720.25		
Bridges	1,254,746.00	1,435,004.50		
Tunnels, Subways	358,440.88	746,000.00		
Road Machinery	866,924.15	1,143,596.10		
Workshops & Yards	230,000.00	7,500.00	85,872,059.41	51,901,022.81
b Watermains	22,526,993.75	21,403,921.75		
Storm Sewers &				
drains	16,198,000.57	12,402,240.06		
Conservation	536,330.00	28,500.00		
Shore Protection	40,000.00	177,400.00	39,301,324.32	34,012,061.81
4) <u>Sanitation & Waste Removal</u>				
Sanitary sewers	25,998,517.05	27,953,122.32		
Sewage Treatment	8,237,725.96	7,117,755.22		
Garbage	105,000.00	463,952.96		
Waste Collection &				
disposal	58,000.00	227,458.00		
Street Flushing	<u>9,047.57</u>	<u> </u>	34,402,290.51	35,762,289.16
5) <u>Health</u>				
Health Offices				
Clinics	23,000.00			
Laboratories				
Hospitals	<u>6,661,301.00</u>	<u>5,173,300.00</u>	6,684,301.00	5,173,300.00

SCHEDULE "A" - continued

	Amount Approved		Totals	
	<u>1957</u>	<u>1956</u>	<u>1957</u>	<u>1956</u>
<u>Local Welfare</u>				
Welfare Offices	3,486,378.00			
Home for Aged	1,700,000.00	3,966,467.19		
Other Institutions	<u>1,250,100.00</u>		6,446,478.00	3,966,467.19
<u>Recreation Services</u>				
Amusements parks & playgrounds	1,340,700.00	882,000.00		
Golf Courses	50,000.00	55,000.00		
Arenas & Rinks	360,000.00	655,493.00		
Swimming pools, beaches & baths	639,977.00	361,610.00		
Community Centres	<u>363,000.00</u>	<u>863,200.00</u>	2,753,677.00	2,817,303.00
<u>Community Services</u>				
Art Galleries, exhibitions & Fairs	100,000.00			
Libraries	248,500.00	356,661.16		
Markets, Museums		5,000.00		
Housing	676,000.00	42,000.00	1,024,500.00	403,661.16

II EDUCATION

Elementary Schools	31,115,297.97	35,359,433.29		
High Schools	23,770,114.34	24,104,740.45	54,886,112.31	59,464,173.74

III MUNICIPAL ENTERPRISE

Electric	5,934,255.02	12,538,602.50		
Water Area	4,842,203.60	8,426,179.01		
Transportation	480,000.00	105,200.00		
Telephone	271,721.50	828,000.00		
Acquisition of lands	4,340,775.10	11,220,275.00		
Brushing lands		128,000.00		
Other (includes parking lots)	1,959,427.78	2,200,517.78	17,828,383.00	35,446,774.29

SUMMARY -	<u>1957</u>	<u>1956</u>
General Government	\$185,919,800.02	\$150,782,422.24
Education	54,886,112.31	59,464,173.74
Municipal Enterprises	<u>17,828,383.00</u>	<u>35,446,774.29</u>
	\$258,634,295.33	\$245,693,370.27

CAPITAL EXPENDITURES - 1957

SEPARATE STATEMENT OF LOCAL DEBT AND GENERAL DEBT

	<u>Local Debt</u>	<u>General Debt</u>	<u>Total</u>
General Government (1 & 2)		7,566,451.00 1,862,718.71	9,429,169.71
Public Works	33,905,022.78	91,26 ,360.95	125,173,383.73
Sanitation	11,769,341.17	22,638,949.41	34,408,290.58
Health		6,684,301.00	6,684,301.00
Local Welfare		6,446,478.00	6,446,478.00
Recreation Services		2,753,677.00	2,753,677.00
Community Services		1,024,500.00	1,024,500.00
Education		54,886,112.31	54,886,112.31
Electric Light		5,934,255.02	5,934,255.02
Water Area		4,842,203.60	4,842,203.60
Transportation		480,000.00	480,000.00
Telephone		271,721.50	271,721.50
Acquisition of lands		4,340,775.10	4,340,775.10
Other - (includes parking lots)		1,959,427.78	1,959,427.78
	<u>45,674,363.95</u>	<u>\$212,959,931.38</u>	<u>\$258,634,295.33</u>

<u>Date of Decision</u>	<u>Applicant</u>	<u>from</u>	<u>Effective Date</u>	<u>Acreage</u>	<u>File No.</u>
November 18, 1957	Smiths Falls	South Elms- ley	January 1, 1958	65	M-6475
November 19, 1957	Matheson	Twp. Black River	January 1, 1958	140	M-6196
December 30, 1957	Galt	Twp. Waterloo	Dismissed	647	M-5767

PART III

1957 LEGISLATION AFFECTING THE JURISDICTION OF
THE ONTARIO MUNICIPAL BOARD

1. The Assessment Amendment Act, 1957 (O.S.1957, c.2)
(Effective April 3, 1957)

By Section 15 of this Act Section 97 of The Assessment Act is amended by the addition of a new subsection 17a requiring an equalization report whether made by the district assessor or by the Department of Municipal Affairs to specify the time within which an appeal may be made to the Ontario Municipal Board, which by the existing legislation is within 30 days after the mailing of the equalization report.

2. The Municipal Amendment Act, 1957 (No.2) (O.S.1957, C.76)
Effective April 3, 1957)

Section 14 of The Municipal Act is amended by the addition of a new subsection 10a providing that the Board shall not determine the amount of any compensating grants following an annexation or amalgamation until after the expiration of one complete fiscal year following the date of the annexation or amalgamation.

Subsection 17 of the said Section 14 dealing with the withdrawal of an objection to an order granting annexation or amalgamation, is amended to provide that notwithstanding the written withdrawal of one-third or more of the original objectors, the objection cannot be withdrawn if the remaining objectors constitute not more than 10% of the persons entitled to sign the objection.

Subsection 1 of Section 15 of The Municipal Act authorizing the Board, on the application of a municipality, to alter, enlarge, reduce, amalgamate or dissolve local improvement and other types of areas, is amended to permit the Board on such an application to divide any such area or areas into new areas.

Subsection 2 of Section 300 of The Municipal Act is amended by adding to the list of specific undertakings which are not to be deemed the incurring of a debt for which payment is not provided in the current estimates. The combined effect of this amendment and a corresponding amendment of Section 67 of The Ontario Municipal Board Act is to permit municipalities to undertake the matters specified without obtaining the approval of the Ontario Municipal Board except where the cost is to be provided by the issue of debentures.

Subsection 1 of Section 301 of The Municipal Act is amended so as to remove the present limit of twenty years in municipal contracts for the supply of a public utility or the renewal of such contracts and to provide that the maximum period shall be such that the Municipal Board may approve. This amendment has made it possible for the municipalities, with the approval of the Board, to enter into agreements with the Ontario Water Resources Commission which are usually for a thirty-year period.

Section 359 of The Municipal Act is amended so as to make the rights of appeal from an arbitration decision of the Board correspond with the rights of appeal from a county judge and official arbitrator.

The Municipal Amendment Act, 1957 (No. 2) - Cont.

-2-

Paragraph 1 of Section 386 of The Municipal Act is amended so as to delete the former provision by which the Board could fix the terms of an agreement between municipalities respecting the use of fire fighting equipment.

3. The Local Improvement Amendment Act, 1957 (O.S. 1957, C.64)
(Effective April 3, 1957)

Subsection 1 of Section 8 of The Local Improvement Act is amended to authorize the widening of a pavement as a local improvement on a two-thirds vote of the council and with the approval of the Board.

Subsection 3 of Section 29 is amended by deleting the requirement that the Board must approve exemptions from or reduction of special assessments chargeable with respect to the opening, widening, extension, grading and paving of lanes.

Section 48 is amended by adding a new subsection 4 providing for an appeal to the Board from a decision of a county judge in respect of a special assessment for local improvement works.

4. The Ontario Municipal Board Amendment Act, 1957 (O.S.1957, C.86)
(Effective April 3, 1957)

Section 14 of the Act is re-enacted to provide that the Chairman may authorize one member to conduct a hearing and to report to the Board, and that such report may be adopted as the order of the Board by two other members, one of whom must be the Chairman or Vice-Chairman. A corresponding amendment is made in Section 11 of the Act.

By Section 6 of the amending Act former orders or purported orders of the Board made prior to January 1st, 1957 following hearings before a single member are validated unless written objection thereto had been filed. In such cases unless the validity of the purported order had been decided by a court, the Board is required to hold a further hearing. No notice of objection under this legislation was received by the Board prior to the effective date of the amendment.

Subsection 2 of Section 61 of the Act is re-enacted so as to make it clear that the Board cannot approve a by-law or validate debentures if the validity thereof is being questioned in any pending litigation or if the by-law has been declared invalid by any court.

Subsection 2 of Section 64 of the Act is repealed, thereby removing any doubt as to the legal effect of the Board's approval of a by-law and the certification by the Board of the debentures issued thereunder, as provided by subsection 1 of the same section.

Section 67 of the Board's Act is amended by adding a new subsection 1a providing that the approval of the Board is not required in respect of the undertakings listed in Section 300(2) of The Municipal Act, except where the whole or part of the cost is to be provided by the issue of debentures.

5. The Secondary Schools and Boards of Education Amendment Act, 1957
(O.S.1957,C.111) (Effective April 3, 1957)

Clause b of Section 76 of the Act is amended to authorize agreements for the transportation of thirty pupils or more for a term up to five years, with the approval of The Ontario Municipal Board

PART IV

GENERAL

REVENUE

Section 102 of The Ontario Municipal Board Act provides for the payment of such fees as the Board may direct on every application made or order issued, regard being had to the time occupied by the Board and its officers and the expense occasioned to the Province. In compliance with this requirement the Board has adopted a tariff of fees payable on various types of applications and orders, a copy of which is available without charge, upon application to the Secretary.

The following table sets forth the fees received by the Board and transferred to the Treasurer of Ontario for the fiscal year ending March 31, 1957 and the preceding four years. In conformity with the present system of provincial accounting, this table is given for the fiscal year only, in contrast to other statistics contained in this report which are made for the calendar year ending December 31st, 1957.

<u>Fiscal Year</u>	<u>Amount</u>
1952-53	\$170,694.04
1953-54	204,081.27
1954-55	244,674.90
1955-56	264,098.16
1956-57	293,321.49

As a matter of interest the revenues of the Board for the calendar year amounted to \$271,564.90.

PUBLICATION OF ANNUAL REPORT

The printing and publication of the recent annual reports of the Board in accordance with the practise of former years has

been unavoidably delayed due to unexpected difficulties encountered in the editing and indexing of a considerable number of the Board's written decisions of general interest to municipal officials and solicitors. In the opinion of the Board, this should be made an important feature of the printed annual reports unless the service is undertaken as a private enterprise by some law publisher. In this connection it should be noted that the printing and free distribution of the Board's annual reports is not a statutory requirement.

All of which is respectfully submitted.

Dated at Toronto this 24th day of March, 1958.

L.R.CUMMING,
Chairman

53rd ANNUAL REPORT

OF

THE ONTARIO MUNICIPAL BOARD

Year Ending

December 31st, 1958

PRESENTED TO THE LEGISLATIVE ASSEMBLY

BY COMMAND

Re: 53rd Annual Report

Dear Sir:

I have the honour to send you herewith the
Fifty-third Annual Report of The Ontario Municipal Board
to December 31, 1958.

Your obedient servant,

L.R. CURRIE
Chairman

The Honourable W.K. Barrender, C.C.,
Minister of Municipal Affairs,
Parliament Buildings,
Toronto.

PART I

MEMBERSHIP AND ORGANIZATION

The Membership and Organization of the Board during the period covered by this report was as follows:

L.L. [REDACTED], B.A., B.Sc., (Appointed February 15, 1950)	Chairman
J.L. [REDACTED], B.Sc., (Appointed October 1, 1956)	Vice-Chairman
H.C. [REDACTED], (Appointed June 10, 1947)	Vice-Chairman
C.W. [REDACTED], B.Sc., (Appointed August 15, 1951)	Vice-Chairman
H.L. [REDACTED], (Appointed February 15, 1951)	Member
H.F. [REDACTED], (Appointed July 1, 1952)	Member
H. [REDACTED], B.Sc., (Appointed January 1, 1953)	Member
H. [REDACTED], (Appointed December 1, 1955)	Member
V.L. [REDACTED], (Appointed April 1, 1958)	Member
A.L. [REDACTED], (Appointed December 1, 1958)	Member

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O.H. [REDACTED], B.A., (Appointed March 1, 1955)	Secretary
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All members and staff are full-time employees and the Board's offices during the year were located in the Ontario Government Building at 145 Queen Street West, Toronto.

PART II

APPLICATIONS TO THE BOARD

The Ontario Municipal Board was first established under the authority of The Ontario Municipal Board Act, 1900 but since that time both its organization and its duties and powers have been greatly altered and extended by numerous amendments of the original Act and by other general and special legislation. A summary of legislative changes made during the 1956 session affecting the jurisdiction and powers of the Board will be found in Part III of this report. It has not been considered necessary or desirable to include in the annual reports of the Board any exhaustive list of the present powers of the Board or the history of the legislation.

During this period of more than fifty-two years a few significant trends in the legislation affecting the Board may be noticed. Throughout there has been a substantial increase in the powers delegated to the Board which has increased its responsibilities. There has also been a tendency to relax and broaden detailed statutory requirements with respect to the Board's procedure and the conduct of its operations. The legislation changes have shown increasing evidence of confidence in the Board's ability to deal with difficult and contentious problems of municipal administration and inter-municipal disputes through the quasi-judicial process of public hearings conducted throughout the province upon notice to the persons or municipalities affected.

Although the Board now exercises jurisdiction under a very considerable number of public and private Acts of the legislature, in more recent years the great majority of the applications fall within a comparatively small number of classifications which is born

may be divided into two major groups.

The first of these groups may be described briefly as arbitrations, where it is the duty of the Board to adjudicate such matters as claims for compensation for lands taken or injuriously affected in the exercise of statutory powers by the province and its various departments and agencies, and by municipal corporations and local boards. Another, and an increasingly important, type of arbitration is the settlement of disputes and the adjustment of rights and liabilities as between two or more municipalities or parts thereof concerned with some joint project, and in a broad sense this may be considered as an extension of the Board's traditional function as a central assessment appeal tribunal as established under the original Act. Where the Board sits as an arbitrator it must act in strict compliance with the law as laid down in the statutes and in authoritative decisions of the courts, and as to procedure it must clearly be bound by the well-recognized and established rules of evidence in conducting its hearings and in the ascertainment of the facts in any particular case. Where the Board acts as an arbitrator the legislation for the most part provides for an appeal to the Court of Appeal of Ontario from any decision or order of the Board on questions of both law and fact, and the rights of appeal are substantially the same as those available to the claimant or the expropriating authority in cases where the arbitration is conducted by a county Judge or an official arbitrator.

The second main classification of the Board's powers includes a very considerable number of duties and responsibilities which may be called administrative functions. The distinguishing characteristic of these powers is that the Board is required and expected to make decisions

based upon policy and expediency within certain limits laid down in the legislation, and in this manner to exercise a measure of administrative control in the interests of sound local government, particularly in the field of municipal finance.

Although the decisions of the Board under this heading are primarily policy decisions, the Board has nevertheless through the years attempted to follow certain fundamental principles with respect to its procedure which closely parallel the practice of the courts, in order to secure for all interested parties a fair hearing. Where public hearings are required the Board's decisions are based on the evidence, submissions and arguments submitted at the hearing, and unless the decision of the Board is announced orally at the conclusion of the hearing written reasons for the decision are subsequently issued and forwarded to parties represented by counsel and to others requesting the same. Definite arrangements for the periodical publication by the Department of Municipal Affairs of significant decisions of the Board have now been made and the first issue covering decisions made during the year 1958 is now being printed. Further issues will be made available quarterly for the information and guidance of municipal officials, the legal profession, and other interested persons.

In carrying out its functions as an administrative tribunal the Board must necessarily decide in the first instance whether the applicable legislation clearly authorizes the Board to receive and dispose of the application before it, and secondly, whether the municipal corporation or local board making the application has authority to undertake the work or project which is proposed and to proceed in the manner set forth in the application. It must also determine whether the local corporation has complied with all the requirements and conditions

which have been imposed in the enabling legislation. These preliminary questions are by their nature questions of law, and the Board's orders or decisions on such questions are all subject to review by the Court of Appeal by leave of that court under section 96 of The Ontario Municipal Board Act. In the other hand the decisions of the Board on matters within its discretionary powers may be appealed only to the Lieutenant-Governor in Council in accordance with section 97 of The Ontario Municipal Board Act. Section 14 of The Municipal Act provides a special procedure by which objections to annexation or amalgamation decisions may be brought before the Lieutenant-Governor in Council, who may either confirm the Board's decision or require a new public hearing to be held.

Volume of Work

The following table indicates the number of applications received, the number of orders issued, and the number of days required for public hearings during the year 1958, with comparative totals for the previous year:

<u>Number of Applications</u>	<u>1958</u>	<u>1957</u>	<u>Totals 1958 1957</u>	
Capital expenditures	2,225	1,970		
Miscellaneous	<u>1,206</u>	<u>1,240</u>	3,431	3,210
<u>Number of Orders Issued</u>				
Capital expenditures	3,740	4,138		
Miscellaneous	<u>1,116</u>	<u>935</u>	4,856	5,073
<u>Days of Public Hearings</u>				
Annexations & Amalgamations	68	51		
Arbitrations	109	153		
Assessment Appeals	213	123		
Restricted Area By-laws, including references and appeals under The Planning Act	1,016	828		
Capital expenditures, including Local Improve- ments and Dispensation of Vote	486	290		
Incorporations and Erections	16	6		
Strata Appeals	4			
Special Legislation	<u>4</u>	<u>10</u>	1,916	1,461

With respect to both the number of applications and the number of days of public hearings it will be noted that there has been a substantial increase over the number for the previous year. This is especially noticeable in the number of public hearings required for the hearing of applications for approval of local restricted area by-laws, including references and appeals under various sections of The Planning Act, and in a rather considerable increase in the number of hearings of assessment appeals. The total number of applications received in any year does not necessarily furnish a reliable index of the volume of the Board's work as many applications require extended inquiries and lengthy hearings and involve the adjudication of highly contentious issues. This is reflected to some extent in the very substantial increase in the number of days required for the conduct of public hearings.

MUNICIPAL CAPITAL EXPENDITURES

As in all previous years since 1935 the duties and powers of the Board with respect to the approval of proposed municipal capital expenditures is of the greatest importance in maintaining sound municipal administration throughout the province in the interests of both provincial and local taxpayers. During the past three years the spectacular development of the economy of the province has imposed severe strains upon local municipalities of all types and in many regions in the provision of extensive and costly municipal public works and improvements. At the same time the very substantial increase in school population which has accompanied these developments has made necessary the greatest school building program in the history of the province. During 1958 the Board approved capital expenditures under this heading amounting to more than \$57 million as compared with nearly \$55 million in 1957 and approximately \$60 million in 1956.

A detailed classification of proposed municipal capital expenditures approved by the Board during the year 1958 will be found in Schedule "A" together with comparative totals for the previous year. Attention is drawn to the very significant increase in public works amounting to approximately \$130 million as compared with some \$90 million for the previous year, as well as a substantial increase under the heading of sanitation and waste removal. It will be noted that the total amount approved was nearly \$512 million as compared with approximately \$260 million during the year 1957. A large part of this great increase is represented by the order of the Board approving the application of the Municipality of Metropolitan Toronto for the construction of the Eglor-Gerrard-University Avenue Subway at a total estimated cost of more than \$200 million but it must be remembered that under the terms of the Board order this project is to be constructed over a ten-year period, and the same observation applies to many of the major public works which were authorized by the Board during 1958 but will be constructed over a period of years.

The following table shows the number of new applications received and the total amount approved in each of the past three years.

<u>Year</u>	<u>Number</u>	<u>Amount</u>
1956	2,130	\$245,893,370.27
1957	1,970	\$258,634,295.33
1958	2,225	\$511,859,511.57

THE ONTARIO WATER RESOURCES COMMISSION

Under The Ontario Water Resources Commission Act, 1957

a municipality may enter into an agreement with the Commission for the construction and operation of waterworks or sewage works. The cost of construction and maintenance, including interest and debt charges and reserves for renewals, replacements and contingencies, is required to be repaid by the municipality annually during the currency of the agreement in the manner provided in the Act, and the agreement remains in force until all the obligations of the municipality to the Commission have been discharged. As such agreements create a debt which is to be retired in a future year or years the approval of the Board is required under Section 67 of The Ontario Municipal Board Act, and if it is intended that the annual payments to the Commission are to be raised in whole or in part by special rates of any kind the Board must also approve the special rating scheme before the work is undertaken. Each application for approval of a proposed agreement is submitted to the Board by the Commission on behalf of the municipality or municipalities, and the Board must necessarily determine in the first instance whether the proposed additional debt is within the financial capacity of the municipality. The information and material required and the basis of the Board's decision is, in effect, the same as if the municipality were undertaking the project and financing it through the issue of its own debentures. If the Board considers that the project will not unduly increase the debt of the municipality it then considers any questions arising from the proposed special rates in respect of which jurisdiction has been given by the Legislature. As each of the projects approved is in effect undertaken by the Commission as agent for the municipalities concerned, the projects approved are not shown separately in the detailed statement of capital expenditures annexed to this report.

During the year 1958 the Board granted final approval of twenty-four projects to be undertaken by the Commission at a cost of approximately \$12,703,567.32.

INCORPORATION, IMPROVEMENT AND ANNEXATION

During the year the Board ordered the incorporation of one town, two improvement districts and one township. One former town was erected into a city, one former improvement district and one former village were erected as towns, and one village was erected from part of a former township. In addition, as a result of annexations, one town, one village and one township were in effect dissolved. As details of these changes are included in the annual report of the Department of Municipal Affairs and the Municipal Directory published by the Department, it is not considered necessary that these details should be included in this report.

DECISIONS

During the year the Board issued 22 written decisions after hearing applications for changes in municipal boundaries by annexation or amalgamation. In 18 cases the applications were granted either wholly or in part, and four applications were dismissed. In addition 14 applications remained undisposed of at the end of the year for various reasons. In two cases involving the Village of Bronte and the Town of La Salle the decision had the effect of dissolving the municipal corporation formerly having jurisdiction over the annexed area. No petitions of objection were filed with the Clerk of the Executive Council in accordance with the legislation. A complete list of the applications disposed of during the year will be found at the conclusion of this section of the report.

ANNUAL REPORT

During the year 1936 the Board disposed of 66 applications for the determination of compensation or damages to be allowed for lands taken or injuriously affected by provincial or municipal authorities in the exercise of their statutory powers. A number of these claims were for substantial sums, and 109 days were required for the public hearings.

In addition there were five applications to the Board under The Municipal Drainage Act, five appeals from arbitration tribunals in respect of the determination of capital and current costs in high school districts, and eight decisions on applications for the closing of roads entering or intersecting controlled access highways under The Highway Improvement Act, 1937. In two important cases the Board exercised its long standing jurisdiction under section 56(1)(j) of The Ontario Municipal Act to confirm, vary, or set aside awards for water supplied by one municipality to another.

The statutory jurisdiction invoked in the various arbitration applications was under one of the following statutes:

The Conservation Authorities Act

The Highway Improvement Act

The Municipal Act

The Municipal Drainage Act

The Power Generation Act

The Public Works Act

The Regulatory Powers and Rights of Municipalities Act

The St. Lawrence Development Act, 1934 (S.O. 4)

The Ontario Municipal Act

ASSESSMENT APPEALS

In the year 1958 a total of 190 assessment appeals were filed with the Board under the various appeal sections of The Assessment Act and certain sections of The Municipal Tax Act and The Power Commission Act dealing with valuation for the purpose of determining annual payments in lieu of taxes. One hundred and forty-six cases were disposed of during the year, and it is noteworthy that a rather considerable number were dismissed either on the merits or for lack of jurisdiction. During the year the Board as usual disposed of a number of appeals filed during the preceding year with the result that at the end of the year some 34 cases were outstanding. Most of these appeals were received too late to permit a public hearing during the year.

As pointed out in the Board's previous annual report the Board in all assessment appeals must determine in the first instance whether the person or property concerned in the assessment appeal is liable to or exempt from municipal taxation or assessment. From such decisions an appeal may be made by leave to the Court of Appeal at Toronto, and in many cases difficult questions of law must be decided in the first instance by the Board before it proceeds to hear the assessment appeal on its merits.

THE FLOODING ACT 1955

There were 116 applications to the Board either by way of appeal or reference under the various sections of The Flooding Act, 1955. Twenty-two of these were finally disposed of and 26 remained outstanding at the end of the year. A somewhat significant development was a steady increase in the number of applications for approval of proposed subdivisions referred to the Board by the Honourable the Minister of Planning and

development. The issues arising on these references include not only disputes as to design but also difficult and controversial questions with respect to the conditions which are sought to be imposed upon subdivisions with respect to municipal services and related matters. To clarify these issues and to ensure for all those concerned an opportunity for adequate preparation, in the case of applications for approval of plans of subdivision the board has established a procedure whereby those who will take part in the hearing are required to state in advance the grounds upon which they rely in support of or in opposition to the application. These statements are filed with the Board and delivered to opposite parties. In some cases it has been found that this clear definition of the issues in advance has brought about a settlement among those interested and in every case it has made for a clearer understanding by each side of the submission to be made by the opposite party.

RESTRICTED AREA BY-LAWS

As in recent previous years the Board was required to hold a very large number of public hearings in the exercise of its jurisdiction under section 37 of The Municipal Act on applications for approval of local zoning by-laws and other related applications. The number of applications under this legislation filed during the year, with comparative figures for previous years, is as follows:

Year	Restricted Area By-laws (new)	Restricted Area By-laws Amending or Repealing	Total
1954	169	419	588
1955	183	465	648
1956	146	641	787
1957	130	544	674
1958	147	660	807

In addition there were 57 appeals to the Board from the refusal or neglect of local councils to pass by-laws or amendments requested by individual owners. Twenty-one applications for approval of by-laws or amendments were outstanding and awaiting hearing at the end of the year but during the year the Board disposed of more than 200 applications filed during the previous year.

In all these cases a public hearing is required to be held in the municipality concerned. The Board gives directions as to the service or publication of notice of the hearings in such a manner as to ensure that the hearing and the subject matter thereof shall be brought to the attention of the persons interested. At these hearings not only is a case in support of the by-law required to be made out by those supporting the application but individual and general objections are heard and considered in detail. Any of the issues are highly controversial and the hearing of a major application may extend over several days.

RECEIVED 1958 - 1958

Date of Decision	To	From	Effective Date	Percentage	File No.
April 18, 1958	London, City	Westminster, Twp.	July 1, 1958	150	8-7555
May 2, 1958	Hanover, Town	Hentinck, Twp.	July 1, 1958	51	8-6777
May 27, 1958	Leamington, Town	Mersea, Twp.	July 1, 1958	545	8-6919
May 27, 1958	N. Dumfries, Twp.	Galt, City	July 1, 1958	50	8-7113
June 13, 1958	Guelph, City	Guelph, Twp.	Jan. 1, 1959	70	8-7474
June 20, 1958	Peterboro, City	H. Monaghan, Twp.	Dismissed	128	8-7603
July 4, 1958	Streetsville, V.	Toronto, Twp.	Dec. 31, 1958	44.12	8-7109
July 29, 1958	Val Albert, I.D.	Kapuskasing, Tn.	Dismissed	8,574	8-7110
July 31, 1958	Elmira, Town	Woolwich, Twp.	Jan. 1, 1959	14.09	8-7521
Sept. 2, 1958	Milton, Town	Trafalgar, Twp.	Oct. 15, 1958	10	8-7622
Sept. 17, 1958	Lakefield, V.	Smith, Twp.	Oct. 15, 1958	19	8-7734
Sept. 29, 1958	Trafalgar, Twp.	Bronte, V.	Jan. 1, 1958	340	8-7522
Oct. 8, 1958	Sandwich, W., Twp.	La Salle, Town	Jan. 1, 1958	2,110	8-7471
Oct. 14, 1958	St. Thomas, City	Yarmouth, Twp.	Jan. 1, 1959	517	8-7243
Nov. 10, 1958	Fonthill, V.	Thorold, Twp.	Jan. 1, 1959	.982	8-7609
Nov. 10, 1958	Fonthill, V.	Pelham, Twp.	Jan. 1, 1959	4.777	8-7627
Nov. 18, 1958	Streetsville, V.	Toronto, Twp.	Jan. 1, 1958	145	8-7657
Dec. 11, 1958	Sioux Lookout, Tn.	S.L. Townsite	Dismissed		8-7804
Dec. 15, 1958	Acton, Town	Esquesing, Twp.	Jan. 1, 1959	87.45	8-7627
Dec. 29, 1958	Playfair, Twp.	Nislop, Twp.	Dismissed	13,340	8-7631
Dec. 29, 1958	London, City	Westminster, Twp.	Feb. 1, 1959	170	8-8140
Dec. 31, 1958	Peterboro, City	H. Monaghan, Twp.	Feb. 1, 1959	1.44	8-8112

PART III

1958 LEGISLATION AFFECTING THE JURISDICTION OF
THE ONTARIO MUNICIPAL BOARD1. The Municipal Amendment Act, 1958 (O.S. 1958, C. 64)
(Effective March 27, 1958)

Subsection 1 of Section 13 is amended to provide that the Municipal Board in erecting a town, may, but is not required to divide it into wards.

Subsection 8 of Section 14 of the Act is amended to permit the Municipal Board to extend the period of four weeks in which such a vote must be taken.

Subsection 3 of Section 339 is re-enacted to provide for raising the amount of any deficit on a sale of debentures by a levy over a period of years not exceeding five, as may be approved by the Municipal Board.

Section 350 is amended to remove the requirement that a board of three arbitrators determine compensation to be paid with respect to land expropriated for deferred widening, etc. of highways. The section now provides that the compensation, if not mutually agreed upon, shall be determined by arbitration in the usual manner by the official arbitrator, county judge, or the Ontario Municipal Board.

Subsection 1 of Section 515 provided that fire protection agreements could be entered into by trustees of a police village and any municipality. If the municipalities could not agree, the agreement could be determined by the Ontario Municipal Board. This subsection has been amended to delete reference to the Ontario Municipal Board.

2. The Public Parks Amendment Act, 1958 (O.S. 1958, C. 87)
(Effective March 27, 1958)

Under subsection 6 of Section 12 a board of park management was required to obtain the approval of the Ontario Municipal Board for the setting apart and leasing of portions of public parks by a board of park management. This subsection has been amended to provide that the approval of the Ontario Municipal Board is no longer required, but that the approval of council must instead be obtained.

3. The Ontario Municipal Board Amendment Act, 1958 (O.S. 1958, C. 74)
(Effective March 27, 1958)

Subsection 1 of Section 61 provides that the Ontario Municipal Board may validate by-laws and debentures issued thereunder notwithstanding any irregularity in the by-law or proceedings. This subsection has been amended to provide that they may also be validated where there are omissions in the by-law or proceedings.

(Part III continued)

Section 26 is amended to authorize the appointment under certain circumstances of an acting member of the Board by the Lieutenant-Governor in Council on the recommendation of the Chairman of the Board.

A new section 48a has been added to authorize the Board, upon the request of the Lieutenant-Governor in Council, to conduct an enquiry into the operations, organization, and possible re-organization of any two or more municipalities in any designated area.

Section 67 is amended so as to permit the passage of a by-law before the granting of the Board's approval of the proposed undertaking if the by-law contains a provision that it does not take effect until the Board's approval is obtained.

4. The Elementary Schools and Boards of Education Amendment Act, 1954
(C.S. 1954, C. 90) (Effective March 27, 1954)

Subsection 3 of section 12 of the Act is repealed and re-enacted so that the Lieutenant-Governor in Council may discontinue or decrease or increase the area of any high school district in unorganized territory and the adjustment of assets and liabilities is required to be determined by the Ontario Municipal Board.

Clause (c) of subsection 2 of section 32 is amended so as to permit capital expenditures for permanent improvements out of current funds in an amount not exceeding one mill on the dollar, and the former provision requiring the approval of the Board for expenditures exceeding \$5,000 is removed. This amendment was made retroactive to January 1, 1958.

PART IIREVENUE1. FEE

Section 112 of The Municipal Services Act provides for the payment of such fees as the Board may direct on every application made or order issued, record being kept to the time occupied by the Board and its officers and the expenses incurred to the Province. In compliance with this requirement the Board has adopted a tariff of fees payable on various types of applications and orders, a copy of which is available without charge, upon application to the Secretary.

The following table sets forth the fees received by the Board and transferred to the Treasurer of Ontario for the fiscal year ending March 31, 1958 and the preceding four years. In conformity with the present system of provincial accounting this table is given for the fiscal year only, in contrast to other statistics contained in this report which are given for the calendar year ending December 31, 1958.

<u>Fiscal Year</u>	<u>Amount</u>
1953-54	\$204,081.27
1954-55	211,572.90
1955-56	264,098.16
1956-57	293,321.49
1957-58	272,339.09

As a matter of interest the revenue of the Board for the calendar year amounted to \$329,139.52.

All of which is respectfully submitted.

DATED at Toronto this 25th day of March, 1959.

L.A. GURRING
Chairman

SCHEDULE "A"

CLASSIFICATION OF MUNICIPAL CAPITAL EXPENDITURES

APPROVED DURING 1958

SHOWING COMPARATIVE FIGURES FOR 1957

I - MUNICIPAL

		Totals	
(1)	Amount Approved	1958	1957
<u>(1) General Government</u>			
Civic Buildings	9,479,040.96		
Civic Equipment	<u>266,300.00</u>	9,741,340.96	87,566,451.00
<u>(2) Protection to Persons & Property</u>			
Fire	1,663,550.11		
Police	478,502.40		
Court Houses	657,000.00		
Street Lighting	<u>84,539.71</u>	2,883,572.22	1,862,718.71
<u>(3) Public Works</u>			
(a) Streets, Roads, Lanes	28,312,713.59		
Expressways	88,888,000.00		
Sidewalks	4,510,196.09		
Bridges	3,961,786.96		
Tunnels, Subways	2,240,000.00		
Road Machinery	602,022.30		
Workshops & Yards	<u>922,080.35</u>	129,436,739.49	85,472,059.41
(b) Watermains	14,895,222.81		
Storm Sewers, Drains,			
Ditches	12,823,158.41		
Conservation	92,000.00		
Waterways	48,000.00		
Viaducts	<u>400,000.00</u>	28,258,381.22	39,301,324.32
<u>(4) Sanitation and Waste Removal</u>			
Sanitary Sewers	18,735,446.53		
Sewage Treatment Works	18,446,993.74		
Consort Stations	10,315.00		
Garbage & Waste Collection	<u>148,371.90</u>	37,313,147.17	34,408,292.58
<u>(5) Health</u>			
Hospital Grants	3,976,909.00	3,976,909.00	6,684,301.00
<u>(6) Social Welfare</u>			
Homes for the Aged	3,082,011.00	3,082,011.00	6,446,478.00

SCHEDULE "A" - continued

(7) Recreation Services	Amount Approved	Totals	
		1958	1957
Parks	4,461,879.00		
Skating Rinks, Arenas	2,141,391.13		
Swimming Pools, Beaches	745,000.00		
Community Centres	1,746,180.00	9,094,396.13	2,753,677.00
 (8) Community Services			
Art Galleries, Exhibitions	775,000.00		
Libraries	1,303,196.00		
Tourist Camps	25,000.00		
Housing	2,209,588.00	4,214,744.00	1,024,900.00
General Government		228,001,240.99	185,919,800.02

II - EDUCATION

Elementary Schools	36,837,713.43		
Secondary Schools	20,494,410.63	57,332,124.06	34,990,112.31

III - UTILITIES AND MUNICIPAL ENTERPRISES

Electric Utilities	6,934,900.00		
Water Works	9,127,109.52		
Municipal Telephone	1,403,000.00		
Acquisition Lands (Industrial)	4,070,607.00		
Transportation	202,873,000.00		
Others - including Parking Lots	1,713,820.00	226,546,146.52	17,628,383.00

SUMMARY

General Government	228,001,240.99	185,919,800.02
Education	57,332,124.06	34,990,112.31
Municipal Enterprises	226,546,146.52	17,628,383.00
	511,879,511.57	238,538,295.33

CAPITAL EXPENDITURES 1958

STATEMENT OF LOCAL GOVT. AND GENERAL FUND

General Government	<u>Local Debt</u>	<u>General Debt</u>	<u>Total</u>
1 & 2		9,741,340.96	
		2,883,572.22	12,624,913.18
Public Works	34,577,094.76	123,118,025.75	157,695,120.51
Sanitation	14,695,210.90	22,617,936.67	37,313,147.17
Health		3,776,709.00	3,776,709.00
Local Welfare		3,082,011.00	3,082,011.00
Recreation Services		9,094,396.13	9,094,396.13
Community Services		4,214,744.00	4,214,744.00
Education		57,332,124.06	57,332,124.06
Electric Light		6,934,900.00	6,934,900.00
Water Area		9,127,109.52	9,127,109.52
Telephone		1,205,000.00	1,205,000.00
Acquisition Lands		4,670,607.00	4,670,607.00
Others - including Parking Lots		1,715,530.00	1,715,530.00
Transportation		202,873,000.00	202,873,000.00
	<u>49,272,305.26</u>	<u>462,587,206.31</u>	<u>511,859,511.57</u>

February 1, 1960.

Re: 54th Annual Report

Dear Sir:

I have the honour to send you herewith the
Fifty-fourth Annual Report of The Ontario Municipal Board
to December 31, 1959.

Your obedient servant,

L. R. CUNNING
Chairman

The Honourable W. K. Warrander, Q.C.,
Minister of Municipal Affairs,
Parliament Buildings,
Toronto.

34TH ANNUAL REPORT

OF

THE ONTARIO MUNICIPAL BOARD ²⁷

Year Ending

December 31, 1959

PRESENTED TO THE LEGISLATIVE ASSEMBLY

BY COMMAND

1870

1871

1872

1873

PART I

MEMBERSHIP AND ORGANIZATION

The Membership and Organisation of the Board during the period covered by this report was as follows:

L.R. CURRIE, M.A., Q.C., (Appointed February 15, 1950)	Chairman
J.A. KENNEDY, Q.C., (Appointed October 1, 1956)	Vice-Chairman
R.C. ROWLAND, (Appointed June 10, 1947)	Vice-Chairman
C.W. IYER, Q.C., (Appointed August 15, 1951)	Vice-Chairman
R.L. KENNEDY, (Appointed February 15, 1951)	Member
C.F. HURN, (Appointed July 1, 1952)	Member
W. GREENWOOD, B.Sc., (Appointed January 1, 1953)	Member
D. JAMESON, (Appointed December 1, 1955)	Member
V.S. MILBURN, (Appointed April 1, 1956)	Member
A.L. McCRAE, (Appointed December 1, 1958)	Member

.....

O.R. CHAPMAN, B.A., (Appointed March 1, 1955) (Resigned December 14, 1959)	Secretary
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All members and staff are full-time employees and the Board's offices during the year were located in the Ontario Government Building at 145 Queen Street West, Toronto.

Statement of Assets and Liabilities

of the State of New York for the year ending December 31, 1900

Assets	Real Estate	1,000,000
	Personal Property	500,000
	Investments	250,000
	Accounts Receivable	100,000
	Prepaid Expenses	50,000
	Other Assets	50,000
	Total Assets	2,000,000
Liabilities	Accounts Payable	100,000
	Notes Payable	50,000
	Other Liabilities	50,000
	Total Liabilities	200,000
Equity	Capital	1,800,000
	Reserves	200,000
	Total Equity	2,000,000

Prepared by John Doe, Secretary of the State

PART II

RELATIONSHIP TO THE BOARD

The Ontario Municipal Board was established under the authority of The Ontario Railway and Municipal Board Act, 1906. Since that time the Board's powers and duties have extended to a variety of subjects contained in numerous public general and special Acts. The present organization of The Ontario Municipal Board is provided for in The Ontario Municipal Board Act (R.S.O. 1970, c.262) as amended. A summary of legislative changes made during the 1959 session affecting the jurisdiction and powers of the Board will be found in Part III of this report. Where the Board acts as an arbitrator the legislation for the most part provides for an appeal to the Court of Appeal of Ontario from any decision or order of the Board on questions of both law and fact, and the rights of appeal are substantially the same as those available to the claimant or the expropriating authority in cases where the arbitration is conducted by a county judge or an official arbitrator.

Under the classification of administrative functions the Board is required to make decisions based upon policy and expediency within certain limits laid down in the legislation, and to exercise to a degree administrative control in the interests of sound local government.

The Board has always attempted to follow certain fundamental principles with respect to its procedure, similar to the practice of the courts, in order to secure a fair hearing for all interested parties. The Board's decisions are necessarily based on the evidence and arguments submitted at its public hearings and written reasons for its decisions are issued and forwarded to parties represented by counsel, and to any others requesting a copy thereof, unless a decision has been announced orally at the conclusion of the hearing, in which case confirmation of the decision is given in writing at a later date.

THE HISTORY OF THE CITY OF BOSTON

FROM THE FIRST SETTLEMENT TO THE PRESENT TIME

By SAMUEL JOHNSON, Esq. of the Middle Temple, Barrister at Law.
In two Volumes. The first Volume contains the History from the
First Settlement to the Year 1700. The second Volume contains
the History from the Year 1700 to the Present Time. The
History is written in a plain, simple, and unadorned
Style, and is intended to be a faithful and accurate
Representation of the Facts and Events which have
transpired in the City of Boston.

The first Volume of this History contains the History
from the First Settlement to the Year 1700. It
contains a full and complete Account of the
Settlement of the City, and of the various
Events which have transpired in the City
from that Time to the Year 1700. The
History is written in a plain, simple, and
unadorned Style, and is intended to be a
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Representation of the Facts and Events
which have transpired in the City of
Boston.

Arrangements have been made for periodical publication by the Department of Municipal Affairs of significant decisions of the Board. The first report was issued in 1958 and a report for the year 1959 is now being prepared. These reports are intended to serve as a guide to municipal officials, the legal profession, and other interested persons.

In order to carry out its functions as an administrative tribunal the Board must first determine, on the municipality's application for approval of the work or project, whether the local corporation has complied with all the requirements and conditions which have been imposed in the enabling legislation. The Board's decisions or orders on these legal questions are all subject to review by the Court of appeal by leave of that court under section 98 of The Ontario Municipal Board Act. As to decisions of the Board relating to matters within its discretionary powers an appeal may be taken only to the Lieutenant-Governor in Council in accordance with section 97 of The Ontario Municipal Board Act. Under section 14 of The Municipal Act objections to annexation or amalgamation decisions may be brought before the Lieutenant-Governor in Council, who may either confirm the Board's decision or require a new public hearing to be held.

VOLUME OF WORK

The following table indicates the number of applications received, the number of orders issued, and the number of days required for public hearings during the year 1959, with comparative totals for the previous year:

<u>Number of Applications</u>	<u>1959</u>	<u>1958</u>	<u>Totals 1959</u>	<u>1958</u>
Capital expenditures	2,567	2,225		
Miscellaneous	<u>1,801</u>	<u>1,706</u>	4,368	3,431
<u>Number of Orders Issued</u>				
Capital expenditures	3,692	3,740		
Miscellaneous	<u>1,144</u>	<u>1,116</u>	4,836	4,856
<u>Days of Public Hearings</u>				
Annexations & Amalgamations	121	60		
Arbitrations	121	109		
Assessment Appeals	110	213		
Restricted Area By-laws, including references and appeals under The Planning Act	<u>1,015</u>	<u>1,016</u>		
Capital expenditures, including Local Improve- ments and Dispensation of Vote	408	486		
Incorporations and Erections	14	16		
Drainage Appeals	—	4		
Special Legislation	<u>4</u>	<u>4</u>	1,793	1,916

It will be noted that there has been a substantial increase in the number of capital expenditure and miscellaneous applications to the Board in 1959. In many cases extensive inquiries and lengthy hearings are required involving the adjudication of highly contentious issues. The total number of applications received in any year does not necessarily indicate the extent of the Board's work but is rather more accurately shown in the number of days required for the conduct of public hearings.

MUNICIPAL CAPITAL EXPENDITURES

In the interests of both provincial and local taxpayers sound municipal administration throughout the province must be maintained. The duties and powers of the Board in this respect are of the greatest importance. The tremendous development of the economy of the province over the past few years has imposed severe obligations upon local municipalities. School building programs are now greater than at any time in the history of the province. During 1959 the Board approved capital expenditures for schools amounting to \$95,475,429.27 as compared with \$57,332,124.06 in 1958 and \$54,886,112.31 in 1957.

A detailed classification of proposed municipal capital expenditures approved by the Board during the year 1959 will be found in Schedule "A" to this report, together with comparative totals for the previous year. It will be noted that the total amount approved in 1959 was \$284,040,812.67 while the total for 1958 was \$511,859,511.57. However, this is due to the approval in 1958 of the application of The Municipality of Metropolitan Toronto of the undertaking of the construction of the subway at an estimated cost of some \$200 million.

The following table shows the number of new capital expenditure applications received in 1959 and the total amount approved in each of the past three years.

<u>Year</u>	<u>Number</u>	<u>Amount</u>
1957	1,970	\$258,634,295.33
1958	2,225	511,859,511.57
1959	2,567	284,040,812.67

THE ONTARIO WATER RESOURCES COMMISSION

A municipality may enter into an agreement with the Commission for the construction and operation of waterworks or sewage works under The Ontario Water Resources Commission Act, 1957. The agreement remains in force until all the obligations of the municipality to the Commission have been discharged. The municipality is required to repay annually the cost of construction and maintenance, including interest and debt charges and reserves for renewals, replacements and contingencies, during the currency of the agreement in the manner provided in the Act. The approval of the Ontario Municipal Board under section 67 of the Board Act is required with respect to the debt which is to be repaid in a future year or years. If the annual payments to the Commission are to be raised in whole or in part by special rates of any kind the Board must also approve the special rating scheme before the work is undertaken. When an application is submitted to the Board by the Commission on behalf of the municipality or municipalities the Board must determine in the first instance whether the proposed additional debt is within the financial capacity of the municipality.

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In 1959 the Board received 67 applications for approval of projects to be undertaken by the Commission at a cost of \$17,513,785.

DISTRICTS, TOWNS, VILLAGES AND TOWNSHIPS

During the year 1959 the Board ordered the incorporation of one improvement district and four villages. Three former villages were erected into towns, one improvement district was erected as a village, and four improvement districts were erected as townships. Details of these changes are included in the annual report of the Department of Municipal Affairs and need not be included in the Board's report.

ANNEXATIONS

During 1959 the Board delivered decisions on twenty-nine applications for changes in municipal boundaries by annexation or amalgamation; twenty-five applications were granted in whole or in part and four were dismissed. In the case of two of these applications, that of the City of Sudbury and that of the Townships of Day and Bright Additional, objections were filed as provided in the statute and in each case the decision of the Board was subsequently confirmed by Order-in-Council.

The application by the City of Sudbury was for the amalgamation and annexation of a very large area, in excess of seven geographic townships. The Board's decision provided for the amalgamation of the City of Sudbury with the Township of McKim and the Town of Fred Lake and for the annexation of the west half of the Township of Keelon. In this case, while the hearing was in progress an Order-in-Council was made under section 48a of The Ontario Municipal Board Act directing the Board to make the inquiry mentioned in that section. The order for annexation and amalgamation became effective January 1, 1960.

Another application made by the City of London for the annexation of a very substantial area including parts of the Town-

ships of London, Westminster, North Dorchester and West Nisour was heard by the Board during 1959. After the passing of the enabling by-law by the City Council and prior to the granting of an appointment, an Order-in-Council was passed under section 48a of The Ontario Municipal Board Act directing the Board to make the further inquiry contemplated by that section. This hearing has now been completed and the application is under consideration by the Board.

An order was made on an application by the City of Hamilton for the annexation to the city of lands in the Townships of Glanford, Barton, Ancaster and Saltfleet comprising in all 3443 acres. By this order the balance of the land remaining in the Township of Barton was annexed to the city, so that the township was, in effect, dissolved.

ARBITRATIONS

During the year 1959 the Board disposed of 62 applications for the determination of compensation or damages to be allowed for lands taken or injuriously affected by provincial or municipal authorities as follows:

- The Grand River Conservation Commission Act (2)
- The Highway Improvement Act (33)
- The Municipality of Metropolitan Toronto Act (1)
- The Municipal Act (8)
- The Power Commission Act (1)
- The Public Works Act (1)
- The Municipal Drainage Act (2)
- The Secondary Schools and Boards of Education Act (6)
- The Ontario Municipal Board Act (1)
- The Pipe Lines Act (5)
- The St. Lawrence Development Act (2)

ASSESSMENT APPEALS

During the year 1959 the Board dealt with 347 assessment appeals under the following legislation:

The Assessment Act

The Municipal Tax Assistance Act

The Power Commission Act

The Local Improvement Act

The Mining Tax Act

Of these appeals 330 were filed in 1959, 17 filed prior to 1959, 24 allowed, 72 dismissed or withdrawn, and 251 are outstanding.

THE PLANNING ACT, 1955

Under this legislation the following applications were made to the Board during the year 1959:

Appeals from Committees of Adjustment	136
Applications for approval of proposed official plan amendments	24
Applications for approval of proposed plans of subdivisions	16
Application for a declaration that a restricted area by-law is in conformity with the official plan	1
Applications for approval of plans of redevelopment	2
Applications for approval of restricted area by-law	945
Appeals to the Board for a direction that a restricted area by-law be amended	48

In each case the Board directed notice of hearing to all persons and public authorities directly concerned, as well as to the owners of lands within a reasonable distance of the area affected.

The provisions respecting restricted area by-laws formerly contained in section 390 of The Municipal Act were re-enacted by the

Legislature in the year 1959 as section 27a of The Planning Act.

During the year 1959 the Board held a large number of public hearings of applications for approval of by-laws under this legislation. The number of applications made to the Board under this legislation during the year, with comparative figures for previous years, is as follows:

<u>Year</u>	<u>Restricted Area By-laws (new)</u>	<u>Restricted Area By-laws Amending or Repealing</u>	<u>Total</u>
1956	146	641	787
1957	130	544	674
1958	147	660	807
1959	149	844	993

ANNEXATION DECISIONS - 1959

<u>Date of Decision</u>	<u>In</u>	<u>From</u>	<u>Effective Date</u>	<u>Area</u>	<u>File No.</u>
Apr. 22, 1959	Cobourg, Town	Hamilton, Twp.	Jul. 1, 1959	344	M-6878
Sep. 11, 1959	Coniston, Town	Neelon, Twp.	Nov. 1, 1959	-	M-7275
Feb. 2, 1959	Capreol, Town	Capreol, Twp.	Apr. 1, 1959	741	M-7572
Dec. 15, 1958	Acton, Town	Esqueving, Twp.	Jan. 1, 1959	87.45	M-7647
Mar. 13, 1959	Dundas, Town	Ancaster and West Flamborough, Twp. (parts)	Jan. 1, 1960	2278	M-7744
Jan. 28, 1959	Hamilton, City	Barton, Clamford, Ancaster & Salt- fleet, Twp. (pt)	Jan. 1, 1960	8.33	M-7855
Nov. 18, 1958	Streetville, Village	Toronto, Twp.	Jan. 1, 1959	144.98	M-7857
Mar. 11, 1959	Galt, City	North Dumfries, Twp.	Jan. 1, 1960	4506	M-7907
May 27, 1959	Dryden, Town	Van Horne, Unorg. Twp.	Jan. 1, 1960	1257	M-8030
Feb. 10, 1959	Port Dover, Town	Woodhouse, Twp.	Apr. 1, 1959	273.53	M-8066
Dec. 31, 1958	Peterborough, City	North Managhan, Twp.	Feb. 1, 1959	3.48	M-8112
Dec. 29, 1958	London, City	Westminster, Twp.	Feb. 1, 1959	170	M-8146

<u>Date of Decision</u>	<u>To</u>	<u>From</u>	<u>Effective Date</u>	<u>Acres</u>	<u>File No.</u>
Nov. 6, 1959	Day & Bright Add'l, Twp.	Improvement District of Gladstone (pt) Unorg. Twp. Gladstone (pt)	Dec. 31, 1959	-	M-8312
Apr. 22, 1959	Newmarket, Town	Whitchurch, Twp.	Jan. 1, 1960	667	M-8440
Jun. 18, 1959	Richmond Hill, Town	Vaughan, Twp.	Jan. 1, 1960	37.733	M-8652
Aug. 17, 1959	Brookville, Town	Elizabethtown, Twp.	Jan. 1, 1960	5350	M-8666
Jan. 30, 1959	Ridgeway, Town	Howard, Twp.	Aug. 1, 1959	5.89	M-8738
Jul. 27, 1959	St. Clair Beach, Village	Malden, Twp.	Sep. 1, 1959	117	M-8742
Jul. 7, 1959	Port Credit, Village	Toronto, Twp.	Aug. 15, 1959	3.01	M-8957
June 26, 1959	Sault Ste. Marie, City	Tarentorus, Twp.	Aug. 1, 1959	21.57	M-9056
June 26, 1959	Sault Ste. Marie, City	Tarentorus, Twp.	Aug. 1, 1959	2.92	M-9096
Jul. 16, 1959	Hespeler, Town	Waterloo, Twp.	Sep. 1, 1959	10.56	M-9122
Aug. 25, 1959	Orillia, Town	Orillia South, Twp.	Oct. 1, 1959	66.29	M-9235
Dec. 9, 1959	Meaford, Town	St. Vincent, Twp.	Feb. 1, 1960	4.50	M-9330
Oct. 14, 1959	Brantford, City	Brantford, Twp.	Jan. 1, 1960	136.1	M-9337
Oct. 8, 1959	Alliston, Town	Tesumeh, Twp.	Jan. 1, 1960	192.92	M-9350
Dec. 29, 1959	Waterloo, City	Waterloo, Twp.	Mar. 31, 1960	1750.89	M-9494
Oct. 29, 1959	Clinton, Town	Hullett, Twp.	Jan. 1, 1960	18.7	M-9515

AMALGAMATION DECISION - 1959

Nov. 12, 1959	Sudbury, City	Town of Frood Mine and Twp. of McKim amalgamated with the City and the west half of Neelon Township annexed to the City	Jan. 1, 1960	-	M-5143
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PART III

1959 LEGISLATION AFFECTING THE JURISDICTION OF
THE ONTARIO MUNICIPAL BOARD

1. The Municipal Amendment Act, 1959 (O.S. 1959, c. 62)
(Effective March 26, 1959)

Subsection (3) of section 315 is amended to permit municipalities, with the approval of the Ontario Municipal Board, to apply the whole or any part of the amount realized from the sale of debentures which is not required for the purposes for which the debentures were issued, to meet the whole or a portion of any other capital expenditure, provided the liability is upon the same class of ratepayer.

2. The Ontario Municipal Board Amendment Act, 1959 (O.S. 1959, c. 67)
(Effective March 26, 1959)

SUPPLY OF WATER OR SEWAGE SERVICE. Formerly the Municipal Board could confirm, vary or fix rates charged to one municipality in connection with water supplied thereto by another municipality. Clause j of subsection (1) of section 56 is amended to extend this authority to sewage service.

3. The Planning Amendment Act, 1959 (O.S. 1959, c. 71)
(Effective May 25, 1959)

SUBDIVISION AGREEMENTS. New subsections are added to section 26 enabling municipalities to enter into agreements as a condition to the approval of a plan of subdivision, and these subsections are as follows:

(5a)

(5b) Where the owner of the land or the municipality in which the land is situate is not satisfied as to the conditions imposed or to be imposed by the Minister or by the municipality, as the case may be, he or it may, at any time before the plan of subdivision is approved, require the matter to be referred to the Municipal Board by written notice to the Secretary of the Board and to the Minister, in which case the matter shall be deemed to be referred to the Board under section 29. (Effective March 26, 1959)

PART IV

GENERALREVENUE

In compliance with the requirement of section 102 of The Ontario Municipal Board Act the Board has adopted a tariff of fees payable on various types of applications and orders, a copy of which is available without charge upon application to the Secretary of the Board.

The following table sets forth the fees received by the Board and transferred to the Treasurer of Ontario for the fiscal year ending March 31, 1959 and the preceding four years. In conformity with the present system of provincial accounting this table is given for the fiscal year only, in contrast to other statistics contained in this report, which are made for the calendar year ending December 31, 1959.

<u>Fiscal Year</u>	<u>Amount</u>
1954-55	\$ 24,674.90
1955-56	264,098.16
1956-57	293,321.49
1957-58	272,339.09
1958-59	328,181.66

As a matter of interest the revenues of the Board for the calendar year amounted to \$338,551.25.

All of which is respectfully submitted.

DATED at Toronto this 1st day of February, 1960.

L. R. CUMMING,
Chairman.

SCHEDULE "A"

CLASSIFICATION OF MUNICIPAL CAPITAL EXPENDITURES

APPROVED DURING 1959

SHOWING COMPARATIVE FIGURES FOR 1958

I - MUNICIPAL

(1) <u>General Government</u>	<u>Amount Approved</u>	<u>Totals</u>	
		<u>1959</u>	<u>1958</u>
Civic Buildings	\$ 7,255,286.85	\$ 7,265,786.85	\$ 9,741,340.96
Civic Equipment	<u>10,500.00</u>		
(2) <u>Protection to Persons & Property</u>			
Fire	1,269,537.20	8,522,208.36	2,883,572.22
Police	442,390.64		
Court Houses	6,671,447.87		
Street Lighting	<u>138,832.61</u>		
(3) <u>Public Works</u>			
(a) Streets, Roads, Lanes	32,158,252.36	53,562,768.96	129,436,739.29
Sidewalks	4,986,170.05		
Bridges	12,737,550.24		
Road Machinery	987,163.79		
Tunnels, Subways	2,447,632.52		
Workshops & Yards	<u>206,000.00</u>		
(b) Watermains	15,884,329.35	37,148,897.59	28,258,381.22
Storm Sewers, Drains, & Ditches	18,402,195.24		
Conservation	262,375.00		
Viaducts	<u>2,600,000.00</u>		
(4) <u>Sanitation and Waste Removal</u>			
Sanitary Sewers	23,285,074.75	24,768,450.29	37,313,147.17
Sewage Treatment Works	1,450,375.54		
Garbage & Waste Collection	<u>33,000.00</u>		
(5) <u>Health</u>			
Hospital Grants	9,055,394.50	9,150,094.50	3,976,909.00
Clinics	<u>94,700.00</u>		
(6) <u>Social Welfare</u>			
Welfare Offices	97,500.00	5,379,976.30	3,082,011.00
Homes for the Aged	5,246,879.30		
Charitable Institutions	<u>35,599.00</u>		

SCHEDULE "A" - continued

		<u>Totals</u>	
(7)	<u>Recreation Services</u>	<u>Amount Approved</u>	
		<u>1957</u>	<u>1958</u>
	Parks	\$ 3,030,756.00	
	Golf Courses	27,500.00	
	Skating Rinks, Arenas	739,620.00	
	Swimming Pools, Beaches	634,956.00	
	Community Centres	<u>1,138,600.00</u>	
		\$ 5,571,432.00	\$ 9,094,396.13
(8)	<u>Community Services</u>		
	Libraries	386,962.00	
	Housing	574,130.00	
		<u>961,092.00</u>	<u>4,214,744.00</u>
	General Government	<u>\$152,330,708.85</u>	<u>\$228,001,240.99</u>

II - EDUCATION

Elementary Schools	\$ 47,514,519.27		
High Schools	<u>47,960,910.00</u>	<u>\$ 95,475,429.27</u>	<u>\$ 97,332,124.06</u>

III - UTILITIES AND MUNICIPAL ENTERPRISES

Electric Utilities	\$ 14,447,842.00		
Water Works	5,210,306.55		
Municipal Telephone	745,281.00		
Transportation	7,723,009.00		
Acquisition of Land (Industrial)	4,208,969.00		
Others - including Parking Lots	<u>3,899,364.00</u>	<u>\$ 36,234,674.55</u>	<u>\$226,526,146.52</u>

S U M M A R Y

General Government	\$152,330,708.85	\$228,001,240.99
Education	95,475,429.27	97,332,124.06
Municipal Enterprises	36,234,674.55	226,526,146.52
	<u>\$284,040,812.67</u>	<u>\$511,859,511.57</u>

CAPITAL EXPENDITURES 1959

SEPARATE STATEMENT OF LOCAL DEBT AND GENERAL DEBT

<u>General Government</u>	<u>Local Debt</u>	<u>General Debt</u>	<u>Total</u>
1 & 2		\$ 7,265,786.85 8,522,208.36	\$ 15,787,995.21
Public Works	\$ 36,946,812.40	53,764,834.15	90,711,646.55
Sanitation	12,901,236.16	11,867,214.13	24,768,450.29
Health		9,150,094.50	9,150,094.50
Social Welfare		5,379,978.30	5,379,978.30
Community Services		961,092.00	961,092.00
Recreation Services		5,571,432.00	5,571,432.00
Education		95,475,429.27	95,475,429.27
Electric Utilities		14,447,842.00	14,447,842.00
Water Works		5,210,306.55	5,210,306.55
Municipal Telephone		745,284.00	745,284.00
Acquisition Lands (Industrial)		4,208,969.00	4,208,969.00
Transportation		7,723,009.00	7,723,009.00
Others - including Parking Lots		3,899,264.00	3,899,264.00
	<u>\$ 49,848,048.56</u>	<u>\$ 234,192,764.11</u>	<u>\$ 284,040,812.67</u>



THE ONTARIO MUNICIPAL BOARD

55TH ANNUAL REPORT

by

THE ONTARIO MUNICIPAL BOARD

Upon the Affairs of The Board

During the Year Ended

December 31, 1960

TO: THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS

Pursuant to Section 100 of
The Ontario Municipal Board Act
R.S.O. 1960, Chapter 274

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PART I

ESTABLISHMENT AND OPERATION

The Ontario Municipal Board was established under the authority of The Ontario Railway and Municipal Board Act, 1906. The present organization of the Board is provided for in The Ontario Municipal Board Act, (R.S.O. 1960, c. 274). The Board carries out and performs statutory duties and functions only and while it is a corporate body, the practise is strictly followed of assigning members to specific applications and thereafter they are considered seized of such application. If a change must be made for an unavoidable reason the hearing is commenced de novo. The Board is given jurisdiction under a large number of statutes but its procedure and general powers are governed by The Ontario Municipal Board Act. Two members are a quorum to hear and dispose of any application and the Chairman may appoint one member to hear any application and report to the Board. In such cases the decision or order is made by two other members, one of whom must be the Chairman or a vice-chairman.

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PART II

MEMBERSHIP AND ORGANIZATION

The membership and organization of the Board during the period covered by this report was as follows:

L. R. CUMMING, M.A., Q.C. (Appointed Deputy Minister of Municipal Affairs February 1, 1960)	Chairman
J. A. KENNEDY, Q.C. (Appointed Vice-Chairman of the Board October 1, 1956; (Appointed Chairman of the Board February 1, 1960)	Chairman
R. C. ROWLAND (Deceased: March 22, 1960)	Vice-Chairman
C. W. YATES, Q.C. (Appointed General Municipal Counsel, Department of Municipal Affairs, March 1, 1960)	Vice-Chairman
R. L. KENNEDY (Appointed February 15, 1951)	Vice-Chairman
J. R. TURNBULL (Appointed June 1, 1960)	Vice-Chairman
C. F. NUNN (Appointed July 1, 1952)	Member
W. GREENWOOD, B.Sc. (Appointed January 1, 1953)	Member
D. JAMIESON (Appointed December 1, 1955)	Member
V. S. MILBURN (Appointed April 1, 1956)	Member
A. L. McCRAE (Appointed December 1, 1958)	Member
.....	
B. VICKERS (Appointed by order of the Board dated December 14, 1959)	Acting Secretary
.....	

All members and staff are full-time employees and the Board's offices during the year were located in the Ontario Government Building at 145 Queen Street West, Toronto.

.....

MEMORANDUM

TO : THE PRESIDENT

FROM : THE SECRETARY OF DEFENSE

SUBJECT: [Illegible]

[Illegible]

[Illegible]

[Illegible]

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PART III

JURISDICTION AND FUNCTIONS

The Ontario Municipal Board is one of a number of boards and commissions in the province exercising an administrative jurisdiction, a procedure which has come to be known as the administrative process. To the three basic divisions of government: legislative, executive and judicial, there has been added in many jurisdictions a fourth division or repository of authority which is the administrative process and which borrows from the executive and from the judicial. In certain cases, such as for example the approval of tariffs and rate structures, the administrative function could be said to borrow in a measure from the legislative, but this does not apply to any function of the Ontario Municipal Board.

Under many of the statutes which repose jurisdiction in the Board a duty is imposed to hold a hearing and, of course, there is in addition a general power given to the Board under The Ontario Municipal Board Act to hold such public hearings as to the Board may seem necessary. The courts have held that where a tribunal such as this Board is required to hold a hearing the rules of natural justice apply. These are:

- 1: That the tribunal shall be free from bias.
- 2: That all persons having an interest in the subject matter shall be heard.

This latter might be said to be the cardinal reason for the introduction of the administrative process into the machinery of government, to ensure that decisions would not be made administratively without the individual being given every opportunity to develop his case at a public hearing.

The actual duties and functions of the Board are found largely in The Municipal Act, The Assessment Act, The Planning Act and the school Acts, but in addition there is a myriad of

other statutory provisions which confer jurisdiction on the Board in a very wide variety of cases. The functions and jurisdiction of the Board may be divided into two general categories:

- 1: Responsibility for the sound growth and development of municipalities within the framework of the statutes with particular regard to economic stability.
- 2: Jurisdiction as arbitrator in the first instance or by way of appeal to determine compensation to be paid by the Crown in the right of Ontario or its Crown corporations, municipalities and other local authorities, and certain private corporations.

These two divisions are reported on in Parts IV and V of this report respectively.

.....

For the purpose of this study, the following data were collected from the various sources mentioned above. The data were then analyzed and the results are presented in the following tables.

The first table shows the distribution of the data according to the various categories mentioned in the text. The second table shows the distribution of the data according to the various categories mentioned in the text.

The third table shows the distribution of the data according to the various categories mentioned in the text. The fourth table shows the distribution of the data according to the various categories mentioned in the text.

The results of the study are presented in the following tables. The first table shows the distribution of the data according to the various categories mentioned in the text.

PART IV

GROWTH AND ECONOMIC STABILITY OF MUNICIPALITIES

This part of the Board's jurisdiction can be divided under the following headings:

- 1: Constitution, Boundary Revision and Dissolution of Municipalities.
- 2: Approval of Capital Undertakings and of the Imposition of Rates and Levies to Recover the Cost Thereof.
- 3: Approval of Restricted Area By-laws, Official Plans and Plans of Subdivision.
- 4: Assessment.

SECTION 1Constitution, Boundary Revision
and Dissolution of Municipalities

During the year the Board ordered the incorporation of four villages and the erection of one village into a town. Another application dealt with was the separation of the United Townships of Herschel and Monteagle into two separate townships.

Given in Schedule "A" to this report is a list of amalgamation and annexation decisions delivered during the year. Worthy of particular note is the annexation to the City of London of very substantial areas out of the Townships of London and Westminster. While the Board ordered annexation of considerably less than the area applied for by the City of London nevertheless the order which came into effect on January 1st, 1961 increased the population of the City by approximately one-half.

The annexation to the City of Welland of parts of the Townships of Crowland, Thorold, Pelham and Humberstone resulted in the population and the assessment of the city being more than doubled.

The amalgamation of the City of St. Catharines, the Township of Grantham and the Towns of Merritton and Port Dalhousie

THE HISTORY OF THE UNITED STATES

OF THE UNITED STATES OF AMERICA

BY

JOHN F. JOHNSON

OF THE UNIVERSITY OF CALIFORNIA

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may be regarded as a major step in bringing a large and growing community in the Niagara Peninsula under a unified local government. By a further order of the Board made upon the application of the Township of Niagara the rural part of the Township of Grantham lying east of the Welland Canal and still largely in use for fruit farming was annexed to the Township of Niagara for the purpose of retaining and protecting this important agricultural use.

SECTION 2

Approval of Capital Undertakings and of the Imposition of Rates and Levies to Recover the Cost Thereof

Perhaps the most important work of the Board in protecting the economic stability of a municipality is the approval of capital expenditures to be made by municipalities and the consequent control of their debt. It is of prime importance that the debt of each municipality be kept at such a level that the amount required annually to pay interest and instalments of capital will not prove at any time a tax burden which the ratepayers will be unable to bear. It is also very important to guard the ratepayers against too sharp an increase in debt over a relatively short period of time as this would result in a sharp increase in the tax rate and consequent hardships. The policy of this Board, therefore, is to approve only those capital expenditures which the municipality can afford and to guard carefully against any sharp increase in taxes which could result in undue burden on the taxpayer.

Expanding a practice during the year which had been introduced previously the Board requested a capital budget or forecast from a number of municipalities which, in the opinion of the Board, were approaching a safe limit for capital debt. These forecasts set forth, year by year, anticipated undertakings and the estimated cost of each, capital debt retirements in each year, and anticipated increase in assessment also in each year. Such a study is prepared

after consideration by the council of its own probable needs and after consultation with all local boards entitled to call on the council for the financing of capital works. This innovation proved of great value to the municipalities as an incentive to proper planning and staging of needed works, and provided a very important guide for the Board in assessing the need for the various projects proposed for approval as well as the financial capacity of the municipality to undertake any given work.

Various ancillary duties are imposed on the Board to approve special rates for capital works such as under section 8 of The Local Improvement Act and section 380 of The Municipal Act. In these cases the Board follows the policy of having notice given as required by statute or according to the Board's directions to those upon whose lands a special rate would be levied. If objections are made which appear to be of any substance the Board appoints a hearing before considering the application for approval.

A further duty with respect to municipal financing is the function of approving debenture by-laws and certifying the validity of debentures under sections 57 and 58 of The Ontario Municipal Board Act. This is of great value to municipalities in marketing debentures and is extensively used in preference to having the validity of debentures supported by a legal opinion. The result of the Board's approval of the debenture by-law and certification of the debentures is provided in section 61 of the Act as follows:

"61. Notwithstanding the provisions of any Act, every by-law of a municipality approved by the Board and every debenture issued thereunder bearing the seal and certificate of the Board is for all purposes valid and binding upon the corporation of the municipality and the ratepayers thereof and upon the property liable for any rate imposed under the by-law, and the validity of the by-law and every such debenture shall not be contested or questioned in any manner."

Of course the signing of every debenture involves a tremendous amount of detail and this year the Board has requested legislation

that would permit the certification of debentures by mechanical means protected by necessary safeguards and guarantees.

Under The Ontario Water Resources Commission Act the commission is empowered to make an agreement with any municipality for the construction by the commission of sewage works or water-works as agent for the municipality. Under such an agreement the commission constructs the work in the municipality and usually has charge of the operation until the cost of construction and all charges have been repaid by the municipality in full. Under the Act applications for the approval of this Board are made by the commission on behalf of the municipality. The obligation assumed by a municipality is treated by this Board as an addition to the capital debt and as a general rule the Board follows the same principle and practice with respect to approval of these applications as in the case of other applications by or on behalf of a municipality for approval of capital expenditures. Where any part of the cost is to be raised by the municipality by a special rate, the Board requires public notice and if objections of any substance are made, a public hearing is held.

The following table shows the number of new capital expenditure applications received in the year 1960 and the total amount approved in each of the past four years:

<u>Year</u>	<u>Number</u>	<u>Amount</u>
1957	1,970	\$ 258,634,295.33
1958	2,225	511,859,511.57*
1959	2,567	284,040,812.67
1960	2,415	317,940,371.21

* The amount approved in 1958 includes the cost of \$200,948,000 and a debenture issue of \$113,208,000 for the construction of the subway.

A detailed classification of municipal capital expenditures approved during the year 1960 will be found in Schedule "B" to this report together with comparative totals for the previous year.

SECTION 3

Approval of Restricted Area By-laws, Official Plans and Plans of Subdivision

The jurisdiction conferred on the Board under this heading is contained in The Planning Act. The number of applications made to the Board under this legislation during the year is as follows:

Applications for approval of restricted area by-laws	837
Applications for approval of plans of redevelopment	1
Applications for approval of proposed plans of subdivisions	18
Applications for approval of proposed official plan amendments	32
Applications for a declaration that a restricted area by-law is in conformity with the official plan	5
Appeals to the Board for a direction that a restricted area by-law be amended	66
Appeals from Committees of Adjustment	114

Under section 30 of the Act by-laws prohibiting, restricting and regulating the use of land under the powers contained in that section come into force only with the approval of this Board. Under the present provisions of the statute the Board is empowered to give approval to such by-laws only after a public hearing on such proper notice as the Board directs. If one considers the number of such by-laws passed in the province during one year the very great amount of the Board's time which is taken up in carrying out this duty will be apparent. As may be expected a great number of these by-laws meet with substantial and serious objection on the part of land owners and others who deem their

rights adversely affected by the enactments. A certain number of these hearings do amount merely to a formality, but in the majority of cases there are substantial objections and a considerable amount of time, often several days, is required to complete the hearing.

In these cases and particularly in cases under subsection (19) where the Board is given jurisdiction to direct that a restricted area by-law shall be amended by the council, this Board is entrusted with the duty of reviewing the action of the local council or its failure to act. By statute the council is given a discretion to pass by-laws with respect to matters of land use and subsequently to amend any by-law or refuse an amendment as the council may decide. On each hearing the Board considers all evidence adduced and, after weighing the facts and all pertinent considerations, it must decide if the council has made a reasonable exercise of the discretion given to it by the statute. If it appears that the discretion has been exercised reasonably then the Board upholds the action of the council by approving the by-law or refusing to order an amendment as the case may be. If the Board comes to the conclusion, after due deliberation, that there has not been a proper exercise of discretion by the council then the Board refuses approval of the by-law which has been passed or directs an amendment as may be required. Obviously this is a very important responsibility and in each case the Board is obliged to consider in detail and weigh very carefully the decision which has been made by the local council and the reasons for the same before it will refuse to approve a by-law or make an order requiring that an amendment shall be passed by the council.

Also under the same Act is the duty of the Board to review a proposed official plan, a proposed amendment to an official plan or a proposal that the council shall be required to adopt an amendment to an official plan. In all these cases the Board is given

jurisdiction upon a reference under the Act by The Honourable the Minister of Municipal Affairs. These applications follow the usual course of a public hearing before the Board held in the municipality concerned after notice to those persons whom the Board deems to be interested in the subject matter of the application.

The Board also has the duty under the same statute upon a reference by the Minister to hold a hearing and approve or refuse to approve a proposed plan of subdivision. The following table shows the number of hearings under this legislation before the Board in the year 1960:

Approval of by-laws and appeals for an order directing amendment of by-laws	736
Approval of redevelopment plan	1
Approval of plans of subdivision	8
Approval of official plan amendments	21
Declarations that by-laws conform to official plan	6

Also under this heading is the jurisdiction given to the Board under The Planning Act to hear appeals from committees of adjustment. During the year 106 of these appeals were heard by the Board.

SECTION 4

Assessment Appeals

During the year 1960 the Board heard assessment appeals under several statutes as follows:

<u>The Assessment Act</u>	118
<u>The Power Commission Act</u>	1
<u>The Local Improvement Act</u>	2
<u>The Mining Tax Act</u>	1

Also, there were heard during the year 6 appeals for a review of the division of liability among municipalities comprising high school districts.

PART V

ARBITRATIONS IN RESPECT OF COMPENSATION
FOR LANDS TAKEN OR INJURIOUSLY
AFFECTED

While the jurisdiction given to the Board to determine compensation or damages to be allowed for lands taken or injuriously affected appears on the face of it to be an administrative jurisdiction nevertheless the courts have held that strict rules of evidence and what amounts to reasonably strict court procedure must be followed in these cases. As required by the rules of natural justice the Board's decisions must be based only on known evidence and after a full hearing conducted according to legal principles. During the year 1960 the Board heard applications for the determination of compensation or damages to be allowed for lands taken or injuriously affected by provincial or municipal authorities and by private corporations with the right of expropriation as follows:

<u>The Conservation Authorities Act</u>	3
<u>The Highway Improvement Act</u>	41
<u>The Municipal Act</u>	19
<u>The Power Commission Act</u>	1
<u>The Public Works Act</u>	1
<u>The Pipe Lines Act</u>	15
<u>The St. Lawrence Development Act</u>	4
<u>The Ontario Water Resources Commission Act</u>	5

The jurisdiction given to the Board under The Pipe Lines Act and under the conservation Acts is an appellate jurisdiction while that given under the other statutes listed above is a jurisdiction to sit as arbitrator in the first instance.

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THE HISTORY OF THE CITY OF BOSTON

FROM THE FIRST SETTLEMENT
TO THE PRESENT TIME
BY
JOHN H. COLEMAN
OF THE
CITY OF BOSTON
IN TWO VOLUMES
VOL. I.
BOSTON: PUBLISHED BY
J. B. LEECH, 15 N. ASH ST.
1857.



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PART VI

DUTIES AS DRAINAGE REFEREE

For several years the Board has acted as Drainage Referee. This work consists mainly of hearing appeals from reports of engineers under The Municipal Drainage Act and The Ditches and Watercourses Act. There is nothing remarkable about this part of the Board's work. During the year 1960 the Board heard four appeals which, as noted, consumed sixteen days of hearings, or more than three weeks of the time of two members.

.....

Introduction

The purpose of this study is to investigate the effects of the proposed system on the performance of the system. The study is divided into two main parts: a theoretical analysis and an experimental evaluation. The theoretical analysis is based on the principles of the system and the results of previous studies. The experimental evaluation is based on the results of a series of experiments conducted under controlled conditions. The results of the study are presented in the following sections.

PART VII

VOLUME OF WORK

As noted earlier, the statutes conferring jurisdiction on this Board require a hearing in a very large number of cases. With few exceptions these hearings are held in the municipality or locality concerned and in the very great majority of cases two members are required to conduct the hearing. When the length of many of these hearings is considered and when the amount of time consumed in travelling is calculated it will be found that a very substantial part of the time of each member of the Board is pre-empted by this part of the work leaving far too little time to consider reserved decisions and to take care of the considerable number of matters coming before the Board for attention in Chambers.

Given below are tables showing the number of applications received in the years 1959 and 1960 and the number of orders issued, divided between capital expenditures and miscellaneous, and showing also the number of days of public hearings in which the Board was engaged during the year.

Number of Applications received:

	<u>1 9 6 0</u>	<u>1 9 5 9</u>
Capital Expenditures	2,415	2,567
Miscellaneous	1,553	1,801
Totals -	<u>3,968</u>	<u>4,368</u>

Number of Orders issued:

	<u>3,710</u>	<u>3,692</u>
Capital Expenditures	922	1,144
Miscellaneous		
Totals -	<u>4,632</u>	<u>4,836</u>

Number of Public Hearings
in the year 1960

Amalgamations & Annexations	57
Incorporations & Erections	6
Arbitrations to Fix Compensation	193
Drainage and Ditches & Watercourses Appeals	16
Assessment Appeals	117
Local Improvement Applications	9
Restricted Area By-laws	793
Capital Expenditures and Dispensation of Vote	404
Special Legislation	6
	<u>1,601</u>

N o t e :

The above figures show the number of applications dealt with at public hearings during the year. Where a hearing lasted more than one day the number of extra days required has been added in each case to increase the total number shown above.

It was after a study of the foregoing facts and figures and after deliberating on the situation as it appeared that the Board took the liberty in the year 1960 of proposing certain amendments to the statutes which might avoid the necessity of a public hearing in those cases where such elimination would not impair the Board's effectiveness, endanger a due performance of the Board's duties and responsibilities or in any way limit the right of those concerned to be heard.

J. A. KENNEDY
CHAIRMAN

C. F. NUNN
MEMBER

R. L. KENNEDY
VICE-CHAIRMAN

W. GREENWOOD
MEMBER

J. R. TURNBULL
VICE-CHAIRMAN

D. JAMIESON
MEMBER

V. S. MILBURN
MEMBER

B. VICKERS
ACTING SECRETARY

A. L. McCRAE
MEMBER.

This is SCHEDULE "A" to the 55TH ANNUAL REPORT of the ONTARIO MUNICIPAL BOARD
for the year 1960, made to

THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS

.....

DECISIONS GRANTING ANNEXATION - 1960

<u>Date of Decision</u>	<u>To</u>	<u>From</u>	<u>Effective Date</u>	<u>Acreage</u>
Jan. 22, 1960	Port Dover Town	Woodhouse Township	Jan. 1, 1961	37.94
Jan. 26, 1960	Brampton Town	Chinguacousy Township	Mar. 1, 1960	3,600.
Jan. 26, 1960	St. Thomas City	Yarmouth Township	Jan. 1, 1961	1,789.44
Feb. 3, 1960	Aylmer Town	Malahide Township	Apr. 1, 1960	337.36
Feb. 4, 1960	Trenton Town (Hastings Co)	Murray Township (Northumberland Co)	Mar. 31, 1960	30.
Feb. 8, 1960	Clinton Township	Louth Township	Mar. 31, 1960	208.
Apr. 11, 1960	Galt City	North Dumfries Township	June 1, 1960	14.84
May 9, 1960	London City	London Twp. Westminster Twp.	Jan. 1, 1961	34,531.
June 6, 1960	Dowling Township	Fairbanks Unorganized Twp.	Jan. 1, 1961	2,632.
June 15, 1960	Peterborough City	North Monaghan Township	Aug. 1, 1960	4.604
July 21, 1960	Lindsay Town	Ops Township	Jan. 1, 1961	2,200.
Sept. 21, 1960	Windsor City	Sandwich West Township	Nov. 1, 1960	12.
Oct. 3, 1960	Welland City	Crowland Twp Humberstone Twp. Pelham Twp. Thorold Twp.	Jan. 1, 1961	4,074. 50. 273. 2,311.
Oct. 12, 1960	Richmond Hill Town	Vaughan Township	Jan. 1, 1961	4.
Oct. 12, 1960	Richmond Hill Town	Vaughan Township	Jan. 1, 1961	5.773
Oct. 26, 1960	Fonthill Village	Pelham Township	Jan. 1, 1961	2.61
Oct. 28, 1960	Simcoe Town	Townsend Township	Jan. 1, 1961	1.34

Schedule "A" - continued

<u>Date of Decision</u>	<u>To</u>	<u>From</u>	<u>Effective Date</u>	<u>Acreage</u>
Oct. 31, 1960	Simcoe Town	Woodhouse Township	Jan. 1, 1961	94.16
Nov. 3, 1960	Hanover Town	Bentinck Township	Jan. 1, 1961	80.
Nov. 14, 1960	Niagara Township	Grantham Township	Jan. 1, 1961	4,300.

AMALGAMATION GRANTED - 1960

Sept. 14, 1960	St. Catharines City	(Grantham Twp. (Port Dalhousie, Town (Merritton, Town.	Jan. 1, 1961	-
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This is SCHEDULE "B" to the 55TH ANNUAL REPORT of the ONTARIO MUNICIPAL BOARD
for the year 1960, made to

THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS

.....

CLASSIFICATION OF MUNICIPAL CAPITAL EXPENDITURES

APPROVED DURING 1960

I - MUNICIPAL

	<u>Amount Approved</u>	<u>Totals</u>	
		<u>1960</u>	<u>1959</u>
(1) <u>General Government</u>			
Civic Buildings	\$ 4,325,018.40		
Civic Equipment	<u>111,038.55</u>	\$ 4,436,056.95	\$ 7,265,786.85
(2) <u>Protection to Persons & Property</u>			
Fire	1,216,966.14		
Police	11,000.00		
Court Houses & Jails	2,000,000.00		
Street Lighting	<u>485,809.82</u>	3,713,775.96	8,522,208.36
(3) <u>Public Works</u>			
(a) Expressways	1,950,000.00		
Streets, Roads, Lanes	35,709,557.37		
Sidewalks	3,807,777.23		
Bridges	11,289,333.23		
Tunnels, Subways	2,057,192.00		
Road Machinery	711,540.46		
Workshops & Yards	<u>241,000.00</u>	55,766,400.29	53,562,768.96
(b) Watermains	16,593,765.96		
Storm Sewers	23,925,317.68		
Waterways	200,000.00		
Shore Protection	90,000.00		
Viaducts	<u>1,200,000.00</u>	42,129,612.85	37,148,897.59
(4) <u>Sanitation and Waste Removal</u>			
Sanitary Sewers	26,827,830.07		
Sewage Treatment Works	11,928,447.73		
Garbage & Waste Collection	3,359,790.05		
Street Flushing	<u>13,545.00</u>	42,129,612.85	24,768,450.29
(5) <u>Health</u>			
Hospital Grants	<u>16,526,932.00</u>	16,526,932.00	9,150,094.50
(6) <u>Social Welfare</u>			
Welfare Offices	71,882.90		
Homes for the Aged	<u>7,460,324.19</u>	7,532,207.09	5,379,978.30

Schedule "B" - continued

I - MUNICIPAL

	<u>Amount Approved</u>	<u>Totals</u>	
		<u>1960</u>	<u>1959</u>
(7) <u>Recreation Services</u>			
Parks	\$ 2,758,507.60		
Skating Rinks, Arenas	1,547,882.00		
Swimming Pools, Beaches	952,793.90		
Community Centres	<u>1,762,351.13</u>	\$ 7,021,534.63	\$ 5,571,432.00

(8) Community Services

Exhibitions, Fairs	3,320,000.00		
Libraries	1,124,968.13		
Housing	<u>1,190,145.00</u>	<u>5,635,113.13</u>	<u>961,092.00</u>
General Government		<u>\$184,770,716.54</u>	<u>\$152,330,708.85</u>

II - EDUCATION

Elementary Schools	\$ 57,856,005.29		
Secondary Schools	<u>46,296,518.64</u>	<u>\$104,152,523.93</u>	<u>\$ 95,475,429.27</u>

III - UTILITIES AND MUNICIPAL ENTERPRISES

Electric Utilities	\$ 8,080,421.14		
Water Works	6,177,676.11		
Municipal Telephone	1,222,300.00		
Acquisition of Lands			
(Industrial)	6,298,000.00		
Transportation	3,423,268.50		
Others - Including Parking			
Lots	<u>3,815,464.99</u>	<u>\$ 29,017,130.74</u>	<u>\$ 36,234,674.55</u>

S U M M A R Y

General Government	\$184,770,716.54	\$152,330,708.85
Education	104,152,523.93	95,475,429.27
Municipal Enterprises	<u>29,017,130.74</u>	<u>36,234,674.55</u>
	<u>\$317,940,371.21</u>	<u>\$284,040,812.67</u>

CAPITAL EXPENDITURES - 1960Separate Statement of Local Debt and General Debt

<u>General Government</u>	<u>Local Debt</u>	<u>General Debt</u>	<u>Total</u>
1 & 2		\$ 4,436,056.95 3,713,775.96	\$ 8,149,832.91
Public Works	\$43,201,619.23	54,573,864.70	97,775,483.93
Sanitation	16,015,211.40	26,114,401.45	42,129,612.85
Health		16,526,932.00	16,526,932.00
Local Welfare		7,532,207.09	7,532,207.09
Recreation Services		7,021,534.63	7,021,534.63
Community Services		5,635,113.13	5,635,113.13
Education		104,152,523.93	104,152,523.93
Electric Light		8,080,421.14	8,080,421.14
Water Area		6,177,676.11	6,177,676.11
Telephone		1,222,300.00	1,222,300.00
Acquisition of Lands (Industrial)		6,298,000.00	6,298,000.00
Other - includes Parking Lots		3,815,464.99	3,815,464.99
Transportation		3,423,268.50	3,423,268.50
	<u>\$59,216,830.63</u>	<u>\$258,723,540.58</u>	<u>\$317,940,371.21</u>



THE ONTARIO MUNICIPAL BOARD

56TH ANNUAL REPORT

by

THE ONTARIO MUNICIPAL BOARD

Upon the Affairs of The Board

During the Year Ended

December 31, 1961

TO: THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS

Pursuant to Section 100 of
The Ontario Municipal Board Act
R.S.O. 1960, Chapter 274

I N D E X

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PART III

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and Dissolution of Municipalities 5

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THE ONTARIO MUNICIPAL BOARD

PART I

ESTABLISHMENT AND OPERATION

The Ontario Municipal Board was established under the authority of The Ontario Railway and Municipal Board Act, 1906. The present organization of the Board is provided for in The Ontario Municipal Board Act, (R.S.O. 1960, c.274). The Board carries out and performs statutory duties and functions only, and while it is a corporate body the practice is strictly followed of assigning members to specific applications and thereafter they are considered seized of such application. If a change must be made for an unavoidable reason the hearing is commenced de novo. The Board is given jurisdiction under a large number of statutes but its procedure and general powers are governed by The Ontario Municipal Board Act. Two members are a quorum to hear and dispose of any application and the Chairman may appoint one member to hear any application and report to the Board. In such cases the decision or order is made by two other members, one of whom must be the Chairman or a vice-chairman.

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PART II

MEMBERSHIP AND ORGANIZATION

The membership and organization of the Board during the period covered by this report was as follows:

J. A. KENNEDY, Q.C. (Appointed October 1, 1956)	Chairman
R. L. KENNEDY (Appointed February 15, 1951)	Vice-Chairman
J. R. TURNBULL (Appointed June 1, 1960)	Vice-Chairman
A. H. ARRELL, Q.C. (Appointed June 30, 1961)	Vice-Chairman
C. F. NUNN (Appointed July 1, 1952 Retired September 30, 1961)	Member
W. GREENWOOD, B.Sc. (Appointed January 1, 1953)	Member
D. JAMIESON (Appointed December 1, 1955)	Member
V. S. MILBURN (Appointed April 1, 1956)	Member
A. L. McCRAE (Appointed December 1, 1958)	Member
H. E. ROBERTS (Appointed June 30, 1961)	Member

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B. VICKERS (Appointed April 1, 1961)	Secretary
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All members and staff are full-time employees and the Board's offices during the year were located in the Ontario Government Building at 145 Queen Street West, Toronto.

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PART III

JURISDICTION AND FUNCTIONS

Democratic government as we know it today is divided into three branches: legislative, executive and judicial. In Ontario certain duties of the executive have been vested by the Legislature in administrative boards such as the Ontario Municipal Board. Many of these statutory enactments vesting jurisdiction in administrative boards require that the Board hold a hearing before reaching a decision. The reason for this must be obvious. It is to ensure that those whose rights are to be affected will have the opportunity to be heard or, as it is sometimes phrased, "have their day in court".

This jurisdiction has been called the administrative process, borrowing as it does from the executive and from the judicial branches of government. The courts have held that where a tribunal such as this Board is required to hold a hearing, the rules of natural justice apply. These are:

- 1: That the tribunal shall be free from bias.
- 2: That all persons having an interest in the subject matter shall be heard.

This latter might be said to be the cardinal reason for the introduction of the administrative process into the machinery of government, to ensure that decisions would not be made administratively without the individual being given every opportunity to develop his case at a public hearing.

The actual duties and functions of the Board are found largely in The Municipal Act, The Assessment Act, The Planning Act and the school acts, but in addition there is a myriad of other statutory provisions which confer jurisdiction on the Board in a

very wide variety of cases. The functions and jurisdiction of the Board may be divided into two general categories:

- 1: Responsibility for the sound growth and development of municipalities within the framework of the statutes with particular regard to economic stability.
- 2: Jurisdiction as arbitrator in the first instance or by way of appeal to determine compensation to be paid by the Crown in the right of Ontario or its Crown corporations, by municipalities and other local authorities, and by certain private corporations.

These two divisions are reported on in Parts IV and V respectively of this report.

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PART IV

GROWTH AND ECONOMIC STABILITY OF MUNICIPALITIES

This part of the Board's jurisdiction can be divided under the following headings:

- 1: Constitution, Boundary Revision and Dissolution of Municipalities.
- 2: Approval of Capital Undertakings and of the Imposition of Rates and Levies to Recover the Cost Thereof.
- 3: Approval of Restricted Area By-laws, Official Plans and Plans of Subdivision.
- 4: Assessment.

SECTION 1Constitution, Boundary Revision
and Dissolution of Municipalities

During the year the Board ordered the incorporation of five villages, two improvement districts and two townships, and the erection of one town into a city, one village into a town and one improvement district into a township.

Given in Schedule "A" to this report is a list of amalgamation and annexation decisions delivered during the year. It will be noted that the annexations were small in each case but the amalgamation order whereby the Town of Oakville and the Township of Trafalgar were amalgamated into a town is worthy of note. Before the amalgamation Trafalgar Township was one of the larger townships in Ontario, containing some 68,000 acres. The new town is by far the largest in Ontario and indeed the greater part of the area is strictly rural. Attention is directed to the decision of the Board in that case for a more detailed discussion of the circumstances.

Some question arose as to the name to be selected for the new town. The councils of the town and township had agreed to compromise on the hyphenated name of Oakville-Trafalgar but

there was substantial opposition to this at the hearing before the Board. It appeared to be a question that ought to be submitted for a vote of the electors and this was done at the election held to select council and elective boards for the new town. By an overwhelming vote, and notwithstanding that the population of the township was substantially greater than that of the former town, the voters selected Oakville as the name.

SECTION 2

Approval of Capital Undertakings and of the Imposition of Rates and Levies to Recover the Cost Thereof

Undoubtedly the most important duty of the Board in protecting the economic stability of the municipality is the approval of capital expenditures to be made by municipalities and the consequent control of their debt. Of course it is of prime importance that the debt of each municipality be kept at such a level that the amount required annually to pay interest and instalments of principal will not prove an undue burden let alone an unbearable one, particularly in periods of economic recession and resulting unemployment. The prevalence of instalment buying of both commodities and real property has fostered increased demands for services for which the taxpayers cannot afford to pay in cash and consequently the cost must be borrowed on debentures. The resulting increase in the fixed overhead of municipalities is a serious matter and will become crippling in periods of recession if the total debt is not kept within a safe limit. This control of debt appears to be the Board's prime responsibility in the matter.

Undoubtedly this very broad duty was intended by the Legislature to be covered in Section 62 of The Ontario Municipal Board Act which it may be appropriate to quote:

"62. The Board, upon any application of a municipality for approval of the exercise by a municipality of any of its powers, or of the incurring of any debt, or of the issue of any debentures, or of any by-law, shall, before approving the same, make such inquiry into the nature of the power sought to be exercised or undertaking that is proposed to be or has been proceeded with, the necessity or expediency of the same, the financial position and obligations of the municipality, the burden of taxation upon the ratepayers and into all other relative matters, as in the opinion of the Board may appear to be necessary or expedient."

Note: It should be noted that the word "municipality" includes local boards by definition which in turn include school boards.

This Board has seen fit on occasion to seek to prevail on a council or local board to reduce the cost of certain undertakings in order that the very rapid increase of debt in the municipality would be kept within desirable limits and the credit of the municipality conserved for other urgently needed projects of the same class or of an equally important class. It is understandable that some councils or local boards interpret this as an invasion of local autonomy. Of course this practice has never gone beyond suggesting that the cost be reduced in such cases, because of this Board's constant respect for local autonomy. Besides, the Board is not equipped to review design and specifications for individual projects. Fortunately, the cases in which these attempts have been misunderstood and resented are very rare. In most cases the suggestions which the Board has made have led to helpful discussion and desirable results. In those rare cases where this co-operation has not been afforded by the local board or council, this Board has simply approved the project in question if found to be within the financial competence of the municipality and has declined to approve if it was not.

Another matter over which the Board must exercise careful scrutiny is a very sudden increase in the debt of the municipality in a relatively short period of time. Such sharp increase will be reflected, of course, in a sharp increase in the tax rate to service the increased debt with consequent hardship on taxpayers with limited resources. Still another feature of each application which receives special attention is any proposal that the whole or a part of the cost is to be recovered by the levy of a frontage rate or other special rate. Except in the rare case where a special rate would be very small, the Board requires that notice be given so that those against whom it is proposed to levy the special rate will have an opportunity to object. If objections are made the Board holds a hearing before the application is considered for approval.

Expanding during the year a practice which had been introduced previously, the Board requested a capital budget or forecast from a number of municipalities which, in the opinion of the Board, were approaching a safe limit for capital debt. These forecasts set forth, year by year, anticipated undertakings and the estimated cost of each, capital debt retirements in each year and also anticipated increase in assessment for each year. Such a study is prepared after consideration by the council of its own probable needs and after consultation with all local boards entitled to call on the council for the financing of capital works. This innovation has proved of great value to the municipalities as an incentive to proper planning and staging of needed works, and has provided a very important guide for the Board in assessing the need for the various projects proposed for approval as well as the financial capacity of the municipality to undertake any given work.

Under The Ontario Water Resources Commission Act the commission is empowered to make an agreement with any municipality for the construction by the commission of sewage works or water-works as agent for the municipality. Under such an agreement the commission constructs the work in the municipality and usually has charge of operation until the cost of construction and all charges have been repaid by the municipality in full. Under the Act applications for the approval of this Board are made by the commission on behalf of the municipality. The obligation assumed by a municipality is treated by this Board as an addition to the capital debt and as a general rule the Board follows the same principle and practice with respect to approval of these applications as in the case of other applications by or on behalf of a municipality for approval of capital expenditures. Where any part of the cost is to be raised by the municipality by a special rate, the Board requires public notice and if objections of any substance are made, a public hearing is held. During the year 1961 the Board received 71 applications from the commission, having a total value of \$30,385,805.29

The following table shows the number of new capital expenditure applications received and the total amount approved in each of the past five years:

<u>Year</u>	<u>Number</u>	<u>Amount</u>
1957	1,970	\$ 258,634,295.33
1958	2,225	511,859,511.57*
1959	2,567	284,040,812.67
1960	2,415	317,940,371.21
1961	2,299	274,132,977.37

* The amount approved in 1958 includes the cost of construction of the east-west subway in the amount of \$200,948,000.00.

A detailed classification of municipal capital expenditures approved during the year 1961 will be found in Schedule "B" to this report together with comparative totals for the previous year.

SECTION 3Approval of Restricted Area By-laws
Official Plans and Plans of Subdivision

The jurisdiction conferred on the Board under this heading is contained in The Planning Act. The number of applications made to the Board under this legislation during the year, with figures for the previous year, is as follows:

	<u>1 9 6 0</u>	<u>1 9 6 1</u>
Applications for approval of restricted area by-laws	837	851
Applications for approval of plans of redevelopment	1	3
Applications for approval of proposed plans of sub- division	18	23
Applications for approval of official plan amendments	32	67
Appeals to Board for a direction that a restricted area by-law be amended by a council	66	64
Appeals from committees of adjustment	114	116

Under Section 30 of the Act by-laws prohibiting, restricting and regulating the use of land under the powers contained in that section come into force only with the approval of this Board. Under the provisions of the Act prior to 1960 the Board was empowered to give approval to such by-laws only after a public hearing on such notice as the Board would direct. By an amendment passed at the 1960-1961 session in response to a request by the Board, the giving of notice of the by-law is permitted to those to whom notice of a hearing would be directed by the Board, and if there are no objections the Board is given power to approve without a hearing. However, if objection is made, a hearing is held in every case. As a result of this new procedure, between March 29, 1961 when the amendment came into force and December 31, 1961, 292 amending by-laws, to which no objection was made after due notice, were approved without a hearing. It

will be apparent that in this way a great deal of time and inconvenience has been saved to the local authorities and to those whose rights were affected. The average time elapsing between the passing of the by-law and approval by this Board has been reduced from three months to six weeks. A further amendment has been requested this year which would further reduce this period by about two weeks. This would mean that by-law amendments to which there is no objection and which the Board will find to be appropriate for approval could be given approval in about four weeks, including fourteen days required for notice to those affected.

In the case of by-laws to which objection is taken by persons affected and in the case of appeals to the Board under Section 30 (19) of The Planning Act, whereby the Board is given power to direct that a restricted area by-law shall be amended by the council, this Board is entrusted with the duty of holding a hearing to review the action of the local council or its failure to act. By statute the council is given a discretion to pass by-laws with respect to matters of land use and subsequently to amend any by-law or refuse an amendment as the council may decide. On each hearing the Board must consider all evidence adduced and, after weighing the facts and all pertinent considerations, it must decide if the council has made a reasonable exercise of the discretion given to it by the statute. If it appears that the discretion has been exercised reasonably then the Board upholds the action of the council by approving the by-law or refusing to order an amendment, as the case may be. If the Board comes to the conclusion, after due deliberation, that there has not been a proper exercise of discretion by the council then the Board refuses approval of the by-law which has been passed or directs an amendment as may be required.

Obviously this is a very important responsibility and in each case the Board is called upon to consider in detail

and weigh very carefully the decision which has been made by the local council and the reasons for the same before it will refuse to approve a by-law or make an order requiring that an amendment shall be passed by the council.

The Board is invited very frequently, by legal counsel appearing before it, to hold that the municipality must be treated as any litigant but the Board refuses to concur in such a submission. The duty of the Board is to review what the council has done under authority reposed in the council by the Legislature. Under that authority the council is given a discretion and the Board should interfere only if it is shown that the council has not made a proper exercise of that discretion. In other cases the Board refuses to substitute its discretion for that of the council.

Also under the same Act the Board has jurisdiction to review a proposed official plan, a proposed amendment to an official plan, a proposal that the council shall be required to adopt an amendment to an official plan and proposed plans of subdivision.. In all these cases the Board is given jurisdiction upon a reference under the Act by The Honourable the Minister of Municipal Affairs. These applications are always considered at a public hearing held in the municipality concerned after notice to those persons whom the Board deems to be interested in the subject matter of the application.

Provisions of official plans and the approval of plans of subdivision are of basic importance in the orderly development of rural areas, especially those within the sphere of influence of large urban centres. In the respectful opinion of this Board measures to ensure that this development will proceed at a pace and under conditions that will safeguard the economic stability of the municipality are a necessity of the greatest urgency. With great hesitation, but for what appeared to be

urgent reasons, the Board has imposed conditions under Section 67 of The Ontario Municipal Board Act whereby further subdivision of land or approval of conveyances by metes and bounds in three municipalities must receive the approval of the Board.

There is mounting evidence that great pressures are exerted for development outside large urban centres where regulations are less strict, taxes are lower and the cost of land for development is often substantially less. Except in cases where proposed plans of subdivision are referred to the Board, this Board is unable to assert any control until after the plans have been approved and substantial development has occurred. When applications are subsequently made to this Board for approval of capital expenditures required to serve the new population, it is usually too late to protect the municipality from what may turn out to be very onerous new commitments, often so heavy as to tax the resources of the municipality to the point of economic peril. It is the respectful submission of this Board that there is grave and urgent need for effective liaison between those charged with the approval of plans of subdivision and those in a position to analyze and determine the impact that will result from the new development on the economic stability of the municipality concerned.

SECTION 4

Assessment Appeals

During the year 1961 the Board heard assessment appeals under several statutes as follows:

<u>The Assessment Act</u>	235
<u>The Local Improvement Act</u>	4
<u>The Mining Tax Act</u>	1
<u>The Municipal Tax Assistance Act</u>	1

Also, there were heard during the year 6 appeals for a review of the division of liability among municipalities comprising high school districts.

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PART V

ARBITRATIONS IN RESPECT OF COMPENSATION
FOR LANDS TAKEN OR INJURIOUSLY
AFFECTED

While the jurisdiction given to the Board to determine compensation or damages to be allowed for lands taken or injuriously affected appears on the face of it to be an administrative jurisdiction nevertheless the courts have held that strict rules of evidence and what amounts to reasonably strict court procedure must be followed in these cases. As required by the rules of natural justice the Board's decisions must be based only on known evidence and after a full hearing conducted according to legal principles. During the year 1961 the Board heard applications for the determination of compensation or damages to be allowed for lands taken or injuriously affected by provincial or municipal authorities and by private corporations with the right of expropriation as follows:

<u>The Conservation Authorities Act</u>	8
<u>The Energy Act</u>	3
<u>The Highway Improvement Act</u>	40
<u>The Municipal Act</u>	20
<u>The Ontario Water Resources Commission Act</u>	1
<u>The Ottawa River Water Powers Act</u>	3
<u>The Power Commission Act</u>	5
<u>The Public Works Act</u>	12
<u>The St. Lawrence Development Act</u>	9

The jurisdiction given to the Board under The Energy Act and under the conservation acts is an appellate jurisdiction while that given under the other statutes listed above is a jurisdiction to sit as arbitrator in the first instance.

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PART VIDUTIES AS DRAINAGE REFEREE

For several years the Board has acted as Drainage Referee. This work consists mainly of hearing appeals under The Municipal Drainage Act and The Ditches and Watercourses Act. There is nothing remarkable about this part of the Board's work. During the year 1961 the Board heard one appeal.

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PART VII

REVENUE

In compliance with the requirement of Section 99 of The Ontario Municipal Board Act the Board has adopted a tariff of fees payable on various types of applications and orders.

The following table sets forth the fees received by the Board and transferred to the Treasurer of Ontario for the fiscal year ending March 31, 1961 and the preceding six years. In conformity with the present system of provincial accounting this table is given for the fiscal year only, in contrast to other statistics contained in this report, which are made for the calendar year ending December 31, 1961.

<u>Fiscal Year</u>	<u>Amount</u>
1954-55	\$244,674.90
1955-56	264,098.16
1956-57	293,321.49
1957-58	272,339.09
1958-59	328,181.66
1959-60	345,538.56
1960-61	320,021.63

As a matter of interest the revenues of the Board for the calendar year amounted to \$295,291.82.

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All of which is respectfully submitted.

J. A. KENNEDY
CHAIRMAN

W. GREENWOOD
MEMBER

R. L. KENNEDY
VICE-CHAIRMAN

D. JAMIESON
MEMBER

J. R. TURNBULL
VICE-CHAIRMAN

V. S. MILBURN
MEMBER

A. H. ARRELL
VICE-CHAIRMAN

A. L. McCRAE
MEMBER

H. E. ROBERTS
MEMBER

B. VICKERS
SECRETARY

This is SCHEDULE "A" to the 56TH ANNUAL REPORT of the ONTARIO MUNICIPAL BOARD
for the year 1961, made to

THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS

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DECISIONS GRANTING ANNEXATIONS - 1961

<u>Date of Decision</u>	<u>To</u>	<u>From</u>	<u>Effective Date</u>	<u>Area</u>
Mar. 17, 1961	Smiths Falls, Town	Montague Township	May 1, 1961	100.3 acres
Oct. 13, 1961	Delhi Town	Windham Township	Jan. 1, 1962	340.2 acres
Dec. 8, 1961	Mimico Town	Etobicoke Township	Jan. 15, 1962	(1000' into Lake Ontario)
Dec. 14, 1961	Picton Town	Hallowell Township	Mar. 1, 1962	33.836 acres
Jan. 4, 1961	Streetsville Town	Toronto Township	Mar. 1, 1961	.406 acres
Feb. 22, 1961	Erie Beach Village	Harwich Township	Apr. 1, 1961	2. acres
June 23, 1961	Eastview Town	Ottawa City	Aug. 1, 1961	22,084 sq.ft.
June 23, 1961	Ottawa City	Eastview Town	Aug. 1, 1961	47,496 sq.ft.
June 23, 1961	Galt City	North Dumfries Township	Jan. 1, 1962	8.62 acres
Nov. 15, 1961	Dresden Town	Camden Township	Jan. 1, 1962	88.5 acres

AMALGAMATION GRANTED - 1961

Aug. 8, 1961	Trafalgar Township	Oakville Town	Jan. 1, 1962
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This is SCHEDULE "B" to the 56TH ANNUAL REPORT of the ONTARIO MUNICIPAL BOARD
for the year 1961, made to

THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS

.....

CLASSIFICATION OF MUNICIPAL CAPITAL EXPENDITURES

APPROVED DURING 1961

I - MUNICIPAL

(1)	<u>General Government</u>	<u>Amount Approved</u>	<u>Totals</u>	
			<u>1961</u>	<u>1960</u>
	Civic Buildings	\$ 4,030,202.04		
	Civic Equipment	<u>7,200.00</u>	\$ 4,037,402.04	\$ 4,436,056.95
(2)	<u>Protection to Persons & Property</u>			
	Fire	1,570,569.52		
	Police	356,190.00		
	Court Houses & Jails	1,061.53		
	Street Lighting	<u>411,576.00</u>	2,339,397.05	3,713,775.96
(3)	<u>Public Works</u>			
(a)	Grade Separations	16,222,883.16		
	Streets, Roads, Lanes	35,003,139.01		
	Sidewalks	5,575,926.65		
	Bridges	5,613,312.00		
	Tunnels & Subways	5,885,000.00		
	Road Machinery	308,262.64		
	Workshops & Yards	<u>509,845.00</u>	69,118,368.46	55,766,400.29
(b)	Watermains	12,128,828.09		
	Storm Sewers	19,821,647.44		
	Shore Protection	237,060.00		
	Conservation Projects	152,991.56		
	Waterways, Harbour Developments	<u>60,000.00</u>	32,400,527.09	42,129,612.85
(4)	<u>Sanitation and Waste Removal</u>			
	Sanitary Sewers	21,638,728.95		
	Sewage Treatment Works	8,425,860.68		
	Garbage	313,500.00		
	Street Flushing	19,210.00		
	Waste Collection Disposal	<u>549,240.00</u>	30,946,539.63	42,129,612.85
(5)	<u>Health</u>			
	Hospital Grants	13,013,725.19		
	Nurses' Residences	<u>500,000.00</u>	13,513,725.19	16,526,932.00
(6)	<u>Social Welfare</u>			
	Welfare Offices	250,000.00		
	Homes for the Aged	<u>6,817,228.52</u>	7,067,228.52	7,532,207.09

Schedule "B" - continued

I - MUNICIPAL

(7) Recreation Services

Parks	\$ 2,338,347.00		
Skating Rinks, Arenas	1,228,782.19		
Swimming Pools, Beaches	528,594.40		
Community Centres	<u>467,461.60</u>	\$ 4,563,185.19	\$ 7,021,534.63

(8) Community Services

Art Galleries	122,742.00		
Exhibitions, Fairs	3,857,508.00		
Libraries	3,191,276.13		
Housing	<u>394,750.00</u>	<u>7,566,276.13</u>	<u>5,635,113.13</u>
General Government	\$171,552,649.30	<u><u>\$171,552,649.30</u></u>	<u><u>\$184,770,716.54</u></u>

II - EDUCATION

Elementary Schools	\$ 35,373,814.47		
Secondary Schools	<u>35,108,157.52</u>	<u>\$70,481,971.99</u>	<u>\$104,152,523.93</u>

III - UTILITIES and MUNICIPAL ENTERPRISES

Electric Utilities	15,374,488.25		
Water Works	8,631,959.27		
Municipal Telephone	63,270.00		
Acquisition of Lands (Industrial)	1,302,205.00		
Transportation	1,933,380.00		
Others - Including Parking Lots	<u>4,793,123.56</u>	<u>\$32,098,356.08</u>	<u>\$29,017,130.74</u>

S U M M A R Y

General Government	\$171,552,649.30	\$184,770,716.54
Education	70,481,971.99	104,152,523.93
Municipal Enterprises	32,098,356.08	29,017,130.74
	<u>\$274,132,977.37</u>	<u>\$317,940,371.21</u>

Schedule "B" - continued

CAPITAL EXPENDITURES - 1961Separate Statement of Local Debt and General Debt

	<u>Local Debt</u>	<u>General Debt</u>	<u>Total</u>
General Government (1) (2)		\$ 4,037,402.04 2,339,397.05	\$ 6,376,799.09
Public Works	\$46,101,942.26	55,416,953.29	101,518,895.55
Sanitation	11,954,821.40	18,991,718.23	30,946,539.63
Health		13,513,725.19	13,513,725.19
Local Welfare		7,067,228.52	7,067,228.52
Recreation Services		4,563,185.19	4,563,185.19
Community Services		7,566,276.13	7,566,276.13
Education		70,481,971.99	70,481,971.99
Electric Light		15,374,488.25	15,374,488.25
Water Area		8,631,959.27	8,631,959.27
Telephone		63,200.00	63,200.00
Acquisition of Lands (Industrial)		1,302,205.00	1,302,205.00
Other - includes Parking Lots		4,793,123.56	4,793,123.56
Transportation		1,933,380.00	1,933,380.00
	<u>\$58,056,763.66</u>	<u>\$216,076,213.71</u>	<u>\$274,132,977.37</u>



THE ONTARIO MUNICIPAL BOARD

57TH ANNUAL REPORT

by

THE ONTARIO MUNICIPAL BOARD

Upon the Affairs of The Board

During the Year Ended

December 31, 1962

TO: THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS

Pursuant to Section 100 of
The Ontario Municipal Board Act
R.S.O. 1960, Chapter 274

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PART III

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Growth and Economic Stability of Municipalities

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and Dissolution of Municipalities 5

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THE ONTARIO MUNICIPAL BOARD

PART I

ESTABLISHMENT AND OPERATION

The Ontario Municipal Board was established under the authority of The Ontario Railway and Municipal Board Act, 1906. The present organization of the Board is provided for in The Ontario Municipal Board Act, (R.S.O. 1960, c.274). The Board carries out and performs statutory duties and functions only, and while it is a corporate body the practice is strictly followed of assigning members to specific applications and thereafter they are considered seized of such application. If a change must be made for an unavoidable reason the hearing is commenced de novo. The Board is given jurisdiction under a large number of statutes but its procedure and general powers are governed by The Ontario Municipal Board Act. Two members are a quorum to hear and dispose of any application and the Chairman may appoint one member to hear any application and report to the Board. In such cases the decision or order is made by two other members, one of whom must be the Chairman or a vice-chairman.

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PART II

MEMBERSHIP AND ORGANIZATION

The membership and organization of the Board during the period covered by this report was as follows:

J. A. KENNEDY, Q.C. (Appointed October 1, 1956)	Chairman
R. L. KENNEDY (Appointed February 15, 1951)	Vice-Chairman
J. R. TURNBULL (Appointed June 1, 1960)	Vice-Chairman
A. H. ARRELL, Q.C. (Appointed June 30, 1961)	Vice-Chairman
W. GREENWOOD, (Appointed January 1, 1953)	Member
D. JAMIESON (Appointed December 1, 1955)	Member
V. S. MILBURN (Appointed April 1, 1956)	Member
A. L. McCRAE (Appointed December 1, 1958)	Member
H. E. ROBERTS (Appointed June 30, 1961)	Member
J. V. LUDGATE (Appointed April 1, 1962)	Member
F. G. BLAKE (Appointed November 15, 1962)	Member

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B. VICKERS (Appointed April 1, 1961)	Secretary
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All members and staff are engaged full-time and the Board's Chambers during the year were located in the Ontario Government Building at 145 Queen Street West, Toronto.

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PART III

JURISDICTION AND FUNCTIONS

It seems to be accepted generally that government in Ontario is divided basically into the three branches of legislative, executive and judicial. Certain duties of the executive are vested by legislation in administrative boards such as the Ontario Municipal Board and in most cases the statute requires that this Board hold a hearing before reaching a decision. This is to ensure that those whose rights are to be affected will have the opportunity to be heard as required by the rules of natural justice which the courts have held to apply to cases before this Board in which a hearing is required. This jurisdiction has been called the administrative process, borrowing as it does from the executive and from the judicial. The rules of natural justice are generally accepted to be the following :

- 1: That the tribunal shall be free from bias.
- 2: That all persons having an interest in the subject matter shall be heard.

This latter might be said to be the cardinal reason for the introduction of the administrative process into the machinery of government, to ensure that decisions would not be made administratively without the individual being given every opportunity to develop his case at a public hearing.

The actual duties and functions of the Board are found largely in The Municipal Act, The Assessment Act, The Planning Act and the school acts, but in addition there is a myriad of other statutory provisions which confer jurisdiction on the Board in a very wide variety of cases. The functions and jurisdiction of the Board may be divided into two general categories :

- 1: Responsibility for the sound growth and development of municipalities within the framework of the statutes with particular regard to economic stability.
- 2: Jurisdiction as arbitrator in the first instance or by way of appeal to determine compensation to be paid by the Crown in the right of Ontario or its Crown corporations, by municipalities and other local authorities, and by certain private corporations.

These two divisions are reported on in Parts IV and V respectively of this report.

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PART IV

GROWTH AND ECONOMIC STABILITY OF MUNICIPALITIES

This part of the Board's jurisdiction can be divided under the following headings :

- 1: Constitution, Boundary Revision and Dissolution of Municipalities.
- 2: Approval of Capital Undertakings and of the Imposition of Rates and Levies to Recover the Cost Thereof.
- 3: Approval of Restricted Area By-laws, Official Plans and Plans of Subdivision.
- 4: Assessment.

SECTION 1Constitution, Boundary Revision
and Dissolution of Municipalities

During the year the Board ordered the incorporation of one village and the elevation of two towns to city status, of one village to town status, and of one improvement district to township status.

Given in Schedule "A" to this report is a list of annexation decisions delivered during the year. Particular mention should be made of the annexation of the whole of Stamford Township to the City of Niagara Falls. Originally this application was presented as an application for amalgamation of city and township but at the same time annexation was requested of additional territory to the proposed new municipality. A similar combined application had been quashed by the courts in a previous case as beyond the powers given by the statute and accordingly the Board requested the applicants to revise their application in this case to conform to the law as previously laid down. The result was that the City of Niagara Falls and the Township of Stamford each made application for annexation of the other municipality and for the additional outside area proposed. The Board

proceeded with the city's application and decided that the Township of Stamford should be annexed to the city but dismissed the application for the annexation of the outside areas, namely, the Village of Chippawa and parts of the Townships of Willoughby and Thorold. A number of special provisions were included in the order with the consent of the city and the township. With the consent of all concerned a new Board of Education was established with jurisdiction in primary and secondary education extending throughout the new city and also throughout the Village of Chippawa and the Township of Willoughby, an area in which the Township of Stamford Board of Education had jurisdiction prior to the annexation. Another special feature of this order which was included at the joint request of the city and of the township was that the elected council and local boards would be comprised one-half of members elected from the former city and one-half elected from the former township. This provision will apply until and including the term that will expire December 31, 1966.

SECTION 2

Approval of Capital Undertakings and of the Imposition of Rates and Levies to Recover the Cost Thereof

Section 64 of The Ontario Municipal Board Act provides that the approval of this Board is required of any undertaking, work, project, scheme, act, matter or thing whereof the cost or any portion of the cost is to be raised in a subsequent year or years or provided by the issue of debentures before the municipality will authorize the same, or exercise any of its powers to proceed with or provide any moneys for the cost of the same. This Board has always understood that the purpose of this section is to keep the debt of the municipality within a safe limit and to prevent the rates required to service the debt of the municipality from becoming an undue burden on the ratepayers. The

duty of the Board in this regard is clearly set forth in Section 62 of The Ontario Municipal Board Act which reads as follows :

"62. The Board, upon any application of a municipality for approval of the exercise by a municipality of any of its powers, or of the incurring of any debt, or of the issue of any debentures, or of any by-law, shall, before approving the same, make such inquiry into the nature of the power sought to be exercised or undertaking that is proposed to be or has been proceeded with, the necessity or expediency of the same, the financial position and obligations of the municipality, the burden of taxation upon the ratepayers and into all other relative matters, as in the opinion of the Board may appear to be necessary or expedient."

Note:

It should be noted that the word "municipality" includes local boards by definition which in turn include school boards.

Because of the increasing demands made upon municipal authorities to undertake capital works and other capital projects this Board with each passing year is examining with greater care the debt position of those municipalities which are facing large capital programs. As reported previously, the Board requested in the year 1961 a capital budget or forecast from a number of municipalities which, in the opinion of the Board, were approaching a safe limit for capital debt.

In the year 1962 the Board took the first step in a new policy of requesting such a forecast from the municipalities in the province without distinction as to their debt position. This meant that such a forecast was requested in the year 1962 from The Municipality of Metropolitan Toronto, from all area municipalities in Metro, from most of the cities in Ontario and from a selected list of other municipalities, the latter as a pilot project. It was found possible with the assistance of certain recent statutory amendments to reward the municipalities willing to embark on this measure of planning future capital undertakings with a procedure for approval of capital undertakings greatly stream-lined and simplified. In this way it has been possible to accommodate municipalities by an appreciable reduction in the

number of steps to be taken as well as in the waiting time between the original filing of the application and the obtaining of approval by this Board. Under this practice a quota is established for each municipality participating and the amount of new debt represented by each application filed during the year is merely deducted from the quota since the necessity for further examination of the capital position of the municipality in question is obviated until the quota established at the beginning of the year has been used up. During the year 1962 about 45 Ontario municipalities were placed on quota by this method and it is a source of satisfaction that only two of these municipalities sought to exceed their quota before the end of the year. In each case the Board was given a reasonable explanation and the necessary adjustment was made.

Needless to say this innovation has proved of very great value to the municipalities as an incentive to the proper planning and staging of capital undertakings and has provided a very important guide for the Board in assessing the need for the various projects proposed and the financial capacity of the municipality to undertake any given work. This is in addition to a most desirable speed-up in the whole procedure.

In performing duties of this nature it will be understood that frequently the Board must consider whether any particular policy or decision will amount to undue interference with local autonomy. This is a matter which the Board regards as of prime importance and actually by this new procedure the Board has made a number of advances in restoring to the local council and its officials many duties and responsibilities which properly belong at the local level.

Another matter against which this Board must constantly protect the ratepayer is any very sharp increase in the debt of a municipality in a relatively short period of time. Such an

increase in debt will be reflected in a future year in a sharp increase in the levy required to service the debt. This will, in many cases, result in a hardship to the taxpayer which it is the duty of this Board to consider and prevent.

There is another feature to which the Board must give special attention in the case of projects whereof the whole or part of the cost is to be recovered by the levy of a special rate. In every such case the Board requires that notice be published so that those against whom it is proposed to levy the special rate will have an opportunity to object. If objections are made the Board holds a hearing before the application is considered for approval.

The following table shows the number of new capital expenditure applications received and the total amount approved in each of the past five years :

<u>Year</u>	<u>Number</u>	<u>Amount</u>
1958	2,225	\$ 511,859,511.57*
1959	2,567	284,040,812.67
1960	2,415	317,940,371.21
1961	2,299	274,132,977.37
1962	2,344	391,032,769.76

*The amount approved in 1958 includes the cost of construction of the east-west subway in the amount of \$200,948,000.00.

A detailed classification of municipal capital expenditures approved during the year 1962 will be found in Schedule "B" to this report, together with comparative totals for the previous year.

It will be noted that expenditures for education were approved in the year 1962 in the amount of \$195,335,984 as compared to \$70,481,971 in the year 1961.

It should not be assumed that the total of these capital expenditures approved in the year 1962 represents a corresponding increase in the capital debt of the municipalities concerned as a substantial part of the increase represents the cost of new school construction under the Technical and Vocational Training Agreement made with the Government of Canada contributed almost entirely from provincial and federal funds.

Ontario Water Resources Commission

A considerable number of the capital undertakings of municipalities in the province are for the construction of water-works or sewerage works by the Ontario Water Resources Commission under the provisions of The Ontario Water Resources Commission Act. Since these projects create a debt of the municipalities they require the approval of the Board under Section 64 of The Ontario Municipal Board Act. When part of the cost is to be raised by a special rate the Board requires public notice and if objections are made a public hearing is held. During the year 1962 the Board received 91 applications from the Commission having a total value of \$20,718,638.

SECTION 3

Approval of Restricted Area By-laws Official Plans and Plans of Subdivision

The jurisdiction of the Board under this heading is conferred by The Planning Act.

The jurisdiction conferred on the Board under Section 30 of The Planning Act to approve land use by-laws passed by municipal councils and in certain cases to require a council to pass an amending by-law is of extremely far-reaching effect and results in the Board being obliged to review and sometimes vary decisions made by local elected representatives. Usually these

elected representatives have determined on a certain course with the advice and assistance of a planning board and in many cases of a trained and experienced planning staff. In the exercise of their best judgment the members of council by a majority vote arrive at a decision which they deem to be just and appropriate. In some cases a council will arrive at such a decision before hearing all those immediately concerned but in most cases council arrives at a decision only after full consideration of representations by all those who ought to be heard.

This Board recognizes that a discretion is vested by the Legislature in the municipal council. This position has been maintained by the Board in the face of very strong arguments advanced in objection to a by-law proposed or upon application for an order to compel the council to pass an amending by-law. Quite often when the by-law or decision of the council has been upheld by the Board strong dissatisfaction is voiced by the unsuccessful party and in cases where the Board finds it necessary to overrule the council some members of that body have criticized the Board's action as an unwarranted interference with local autonomy. However, the duty of the Board under the statute is clear and must be followed.

The number of applications made to the Board under this legislation during the year, with figures for the previous year, is as follows :

	<u>1 9 6 1</u>	<u>1 9 6 2</u>
Applications for approval of restricted area by-laws	851	939
Applications for approval of plans of redevelopment	3	2
Applications for approval of proposed plans of sub- division	23	22
Applications for approval of official plan amendments	67	47
Appeals to Board for a direction that a restricted area by-law be amended by council	64	46
Appeals from committees of adjustment	116	129

It will be noted from the foregoing table that while the number of applications for approval of by-laws increased substantially over the year 1961 the number of applications for approval of plans of subdivision referred to the Board has remained virtually the same and the number of applications for approval of official plan amendments referred to the Board for consideration and the number of appeals to the Board for an order directing municipal councils to amend by-laws has each been reduced substantially. This would indicate that while the volume of activity in this general field has increased, the number of cases in which it has been found necessary to refer to this Board for the settlement of disputes has decreased, which in turn would indicate an extension and acceptance of orderly procedures in this very difficult and equally important field of the planning of land use.

SECTION 4Assessment Appeals

During the year 1962 assessment appeals were made to the Board under the several statutes as follows :

<u>The Assessment Act</u>	435
<u>The Local Improvement Act</u>	21
<u>The Municipal Tax Assistance Act</u>	1
<u>The Power Commission Act</u>	5

There were also filed during the year three appeals for a review of the division of liability among municipalities comprising high school districts.

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PART V

ARBITRATIONS IN RESPECT OF COMPENSATION
FOR LANDS TAKEN OR INJURIOUSLY
AFFECTED

The Board is given jurisdiction to determine compensation or damages to be allowed for lands taken or injuriously affected under various public statutes. The courts have held that in this field the Board must follow strict rules of evidence and what amounts to reasonably strict court procedure. As required by the rules of natural justice the Board's decisions must be based only on known evidence and after a full hearing conducted according to legal principles. During the year 1962 applications were made to the Board for compensation for damages to be allowed for lands taken or injuriously affected by authorities with the right of expropriation as follows :

<u>The Conservation Authorities Act</u>	7
<u>The Highway Improvement Act</u>	46
<u>The Municipal Act</u>	45
<u>The Ontario Water Resources Commission Act</u>	11
<u>Others</u>	5

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PART VI

DUTIES AS DRAINAGE REFEREE

For several years the Board has acted as Drainage Referee. This work consists mainly of hearing appeals under The Municipal Drainage Act and The Ditches and Watercourses Act. There is nothing remarkable about this part of the Board's work.

During the year 1962 nine applications were made to the Board.

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PART VII

REVENUE

In compliance with the requirement of Section 99 of The Ontario Municipal Board Act the Board has adopted a tariff of fees payable on various types of applications and orders.

The following table sets forth the fees received by the Board and transferred to the Treasurer of Ontario for the fiscal year ending March 31, 1962, and the preceding six years. In conformity with the present system of provincial accounting this table is given for the fiscal year only, in contrast to other statistics contained in this report, which are made for the calendar year ending December 31, 1962.

<u>Fiscal Year</u>	<u>Amount</u>
1955-56	\$ 264,098.16
1956-57	293,321.49
1957-58	272,339.09
1958-59	328,181.66
1959-60	345,538.56
1960-61	320,021.63
1961-62	294,001.91

The revenues of the Board for the calendar year 1962 amounted to \$310,871.09.

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All of which is respectfully submitted.

J. A. KENNEDY
CHAIRMAN

W. GREENWOOD
MEMBER

R. L. KENNEDY
VICE-CHAIRMAN

D. JAMIESON
MEMBER

J. R. TURNBULL
VICE-CHAIRMAN

V. S. MILBURN
MEMBER

A. H. ARRELL
VICE-CHAIRMAN

A. L. McCRAE
MEMBER

H. E. ROBERTS
MEMBER

J. V. LUDGATE
MEMBER

B. VICKERS
SECRETARY

F. G. BLAKE
MEMBER

This is SCHEDULE "A" to the 57TH ANNUAL REPORT of the ONTARIO MUNICIPAL BOARD
for the year 1962, made to

THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS
.....

DECISIONS GRANTING ANNEXATIOND - 1962

<u>Date of Decision</u>	<u>To</u>	<u>From</u>	<u>Effective Date</u>	<u>Area</u>
Feb. 8/62	Sudbury City	Broder Twp. Unorganized	Apr. 1/62	18.39 acres
Mar. 21/62	Tilbury Town	Tilbury North Township	Jan. 1/63	38.38 "
May 9/62	Rayside Township	Snider Township	Jan. 1/63	1.833 "
June 8/62	Fauquier Township	Nansen Twp. Unorganized	Jan. 1/63	
June 25/62	Blenheim Town	Harwich Township	Jan. 1/63	304. "
July 16/62	Stouffville Village	Whitchurch & Markham Townships	Jan. 1/63	1,472. "
Aug. 17/62	Port Hope Town	Hope & Hamilton Townships	Jan. 1/63	152.21 "
Sept. 7/62	Rockland Town	Clarence Township	Jan. 1/63	1,000. "
Sept. 14/62	Niagara Falls City	Stamford Township	Jan. 1/63	whole area
Oct. 10/62	Peterborough City	North Monaghan, Otonabee, Douro & Smith Townships	Jan. 1/63	4,885. "
Nov. 2/62	Paris	South Dumfries & Brantford Townships	Jan. 1/63	795. "
Nov. 29/62	Beamsville Village	Clinton Township	Jan. 1/63	1,050. "

ORIGINAL ARTICLES

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This is SCHEDULE "B" to the 57TH ANNUAL REPORT of the ONTARIO MUNICIPAL BOARD
for the year 1962, made to

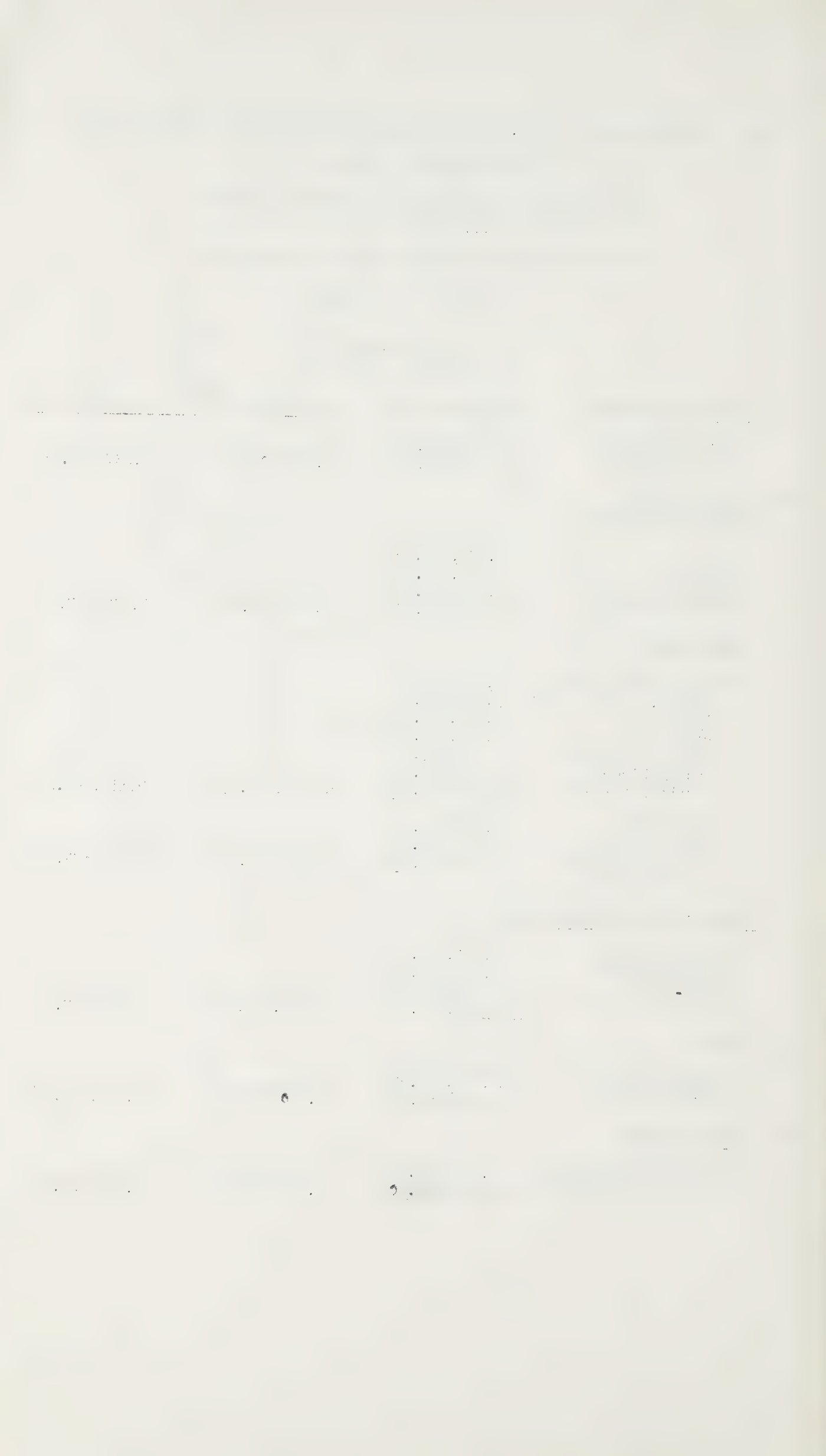
THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS
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CLASSIFICATION OF MUNICIPAL CAPITAL EXPENDITURES

APPROVED DURING 1962

I - MUNICIPAL

(1)	<u>General Government</u>	<u>Amount Approved</u>	<u>Totals</u>	
			<u>1962</u>	<u>1961</u>
	Civic Buildings	\$ 24,126,374.67		
	Civic Equipment	<u>378,323.35</u>	\$ 24,504,678.02	\$ 4,037,402.04
(2)	<u>Protection to Persons & Property</u>			
	Fire	\$ 1,524,431.39		
	Police	415,590.00		
	Court House Jails	3,559,986.00		
	Street Lighting	<u>180,745.00</u>	5,680,752.39	2,339,397.05
(3)	<u>Public Works</u>			
(a)	Grade Separations	5,457,018.00		
	Streets, Roads, Lanes	25,255,959.03		
	Sidewalks	5,040,846.91		
	Bridges	16,946,892.99		
	Tunnels & Subways	242,700.00		
	Road Machinery	617,123.96		
	Workshops & Yards	<u>538,000.00</u>	54,098,540.89	69,118,368.46
(b)	Watermains	8,828,444.47		
	Storm Sewers	30,762,945.12		
	Waterways, Harbour Developments	<u>9,364,979.00</u>	48,956,368.59	32,400,527.09
(4)	<u>Sanitation and Waste Removal</u>			
	Sanitary Sewers	34,594,146.28		
	Sewage Disposal	16,407,553.37		
	Garbage	183,418.00		
	Waste Collection	<u>400,000.00</u>	51,585,117.65	30,946,539.63
(5)	<u>Health</u>			
	Hospital Grants	22,421,966.93		
	Hospital Clinics	<u>88,063.70</u>	22,510,030.63	13,513,725.19
(6)	<u>Social Welfare</u>			
	Homes for the Aged	8,218,234.33		
	Charitable Institutions	<u>411,000.00</u>	8,629,234.33	7,067,228.52



Schedule "B" - continued

I - MUNICIPAL(7) Recreation Services

Parks	\$	2,636,140.00		
Skating Rinks, Arenas		1,973,878.00		
Swimming Pools, Beaches		3,349,610.00		
Community Centres		<u>1,243,788.00</u>	\$ 9,203,416.00	\$ 4,563,185.19

(8) Community Services

Libraries		3,480,971.00		
Museums		77,000.00		
Housing		<u>8,305,044.02</u>	<u>11,863,015.02</u>	<u>7,566,276.13</u>
General Government			<u>\$237,031,173.52</u>	<u>\$171,552,649.30</u>

II - EDUCATION

Elementary Schools	\$	38,948,926.99		
Secondary Schools		<u>96,385,057.82</u>	<u>\$135,333,984.81</u>	<u>\$ 70,481,971.97</u>

III - UTILITIES and MUNICIPAL ENTERPRISES

Gas	\$	908,800.00		
Electric Utilities		2,175,301.58		
Water Works		8,877,636.85		
Municipal Telephone		1,142,430.00		
Transportation		691,310.95		
Acquisition of Lands (Industrial)		1,362,692.05		
Others - Including Parking Lots		<u>3,509,440.00</u>	<u>\$ 18,667,611.43</u>	<u>\$ 32,098,356.08</u>

S U M M A R Y

General Government	\$	237,031,173.52	\$	171,552,649.30
Education		135,333,984.81		70,481,971.99
Municipal Enterprises		<u>18,667,611.43</u>		<u>32,098,356.08</u>
		<u>\$ 391,032,769.76</u>		<u>\$ 274,132,977.37</u>

Figure 1 consists of three scatter plots labeled (a), (b), and (c). Each plot shows the relationship between the number of species (S) on the y-axis and the number of genera (G) on the x-axis. Plot (a) is for the whole sample (n=1228), plot (b) is for the 100 most common species (n=100), and plot (c) is for the 100 most common genera (n=100). In all three plots, there is a positive correlation between S and G, with data points represented by open circles and a solid regression line. The x-axis for all plots is 'Number of Genera' and the y-axis is 'Number of Species'.

Figure 1 consists of two line graphs, (a) and (b), showing the effect of temperature on the growth of *E. coli*. Both graphs plot growth rate (h⁻¹) on the y-axis against temperature (°C) on the x-axis. The x-axis ranges from 10 to 50°C with major ticks every 10 units. The y-axis ranges from 0 to 1.0 with major ticks every 0.2 units.

Graph (a) is for a 10% NaCl medium. It shows two data series: open circles (○) and open squares (□). Both series show a similar trend, with growth rate increasing from 10°C to a peak around 37°C and then decreasing. The growth rate at 37°C is approximately 0.8 h⁻¹ for both series.

Graph (b) is for a 0% NaCl medium. It also shows two data series: open circles (○) and open squares (□). The growth rate increases from 10°C to a peak around 37°C and then decreases. The growth rate at 37°C is approximately 0.9 h⁻¹ for both series.

1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 26

• *Journal of the American Medical Association*, 1997; 277: 1001-1005.

1. The first group of authors (e.g., [1, 2]) considers the problem of the optimal control of the motion of a mechanical system in the case of a single control parameter. The optimal control is determined by the method of the calculus of variations. The optimal control is determined by the method of the calculus of variations. The optimal control is determined by the method of the calculus of variations.

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Schedule "B" - continued

CAPITAL EXPENDITURES - 1962Separate Statement of Local Debt and General Debt

	<u>Local Debt</u>	<u>General Debt</u>	<u>Total</u>
General Government I and II		\$ 30,185,450.41	\$ 30,185,450.41
Public Works	\$ 49,194,595.19	53,860,314.29	103,054,909.48
Sanitation	18,012,934.52	33,572,183.13	51,585,117.65
Health		22,510,030.63	22,510,030.63
Social Welfare		8,629,234.33	8,629,234.33
Recreation Services		9,203,416.00	9,203,416.00
Community Services		11,863,015.02	11,863,015.02
Education		135,333,984.81	135,333,984.81
Gas		908,800.00	908,800.00
Electric Utilities		2,175,301.58	2,175,301.58
Waterworks		8,877,636.85	8,877,636.85
Municipal Telephone		1,142,430.00	1,142,430.00
Transportation		691,310.95	691,310.95
Acquisition of Lands (Industrial)		1,362,692.05	1,362,692.05
Other - includes Parking Lots		3,509,440.00	3,509,440.00
	<u>\$ 67,207,529.71</u>	<u>\$323,825,240.05</u>	<u>\$391,032,769.76</u>



THE ONTARIO MUNICIPAL BOARD
145 Queen Street West
Toronto, 1.

58TH ANNUAL REPORT

by

THE ONTARIO MUNICIPAL BOARD

Upon the Affairs of The Board

During the Year Ended

December 31, 1963

TO: THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS

Pursuant to Section 100 of
The Ontario Municipal Board Act
R.S.O. 1960, Chapter 274

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Schedule "B"



THE ONTARIO MUNICIPAL BOARD

PART I

ESTABLISHMENT AND OPERATION

The Ontario Municipal Board was established under the authority of The Ontario Railway and Municipal Board Act, 1906. The present organization of the Board is provided for in The Ontario Municipal Board Act, (R.S.O. 1960, c.274). The Board carries out and performs statutory duties and functions only, and while it is a corporate body the practice is strictly followed of assigning members to specific applications and thereafter they are considered seized of such application. If a change must be made for an unavoidable reason the hearing is commenced de novo. The Board is given jurisdiction under a large number of statutes but its procedure and general powers are governed by The Ontario Municipal Board Act. Two members are a quorum to hear and dispose of any application and the Chairman may appoint one member to hear any application and report to the Board. In such cases the decision or order is made by two other members, one of whom must be the Chairman or a vice-chairman.

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PART II

MEMBERSHIP AND ORGANIZATION

The membership and organization of the Board during the period covered by this report was as follows:

J. A. KENNEDY, Q.C. (Appointed October 1st, 1956)	Chairman
R. L. KENNEDY (Appointed February 15th, 1951)	Vice-Chairman
J. R. TURNBULL (Deceased May 2nd, 1963)	Vice-Chairman
A. H. ARRELL, Q.C. (Appointed June 30th, 1961)	Vice-Chairman
H. E. ROBERTS (Appointed June 30th, 1961)	Vice-Chairman
W. GREENWOOD (Appointed January 1st, 1953)	Member
D. JAMIESON (Appointed December 1st, 1955)	Member
V. S. MILBURN (Appointed April 1st, 1956)	Member
A. L. McCRAE (Appointed December 1st, 1958)	Member
J. V. LUDGATE (Appointed April 1st, 1962)	Member
F. G. BLAKE (Appointed November 15th, 1962)	Member
W. SHUB, Q.C. (Appointed June 1st, 1963)	Member
R. M. McGUIRE (Appointed November 1st, 1963)	Member

B. VICKERS (Appointed April 1st, 1961)	Secretary
D. H. SUTHERLAND (Appointed January 1st, 1963)	Registrar

All members and staff are engaged full-time. The Board's Chambers during the year were located in the Ontario Government Building at 145 Queen Street West, Toronto.

PART III

JURISDICTION AND FUNCTIONS

The jurisdiction and function of this Board are a part of what has come to be known as the administrative process. With assessment appeals and compensation arbitrations as two notable exceptions, most of the functions of the Board are outgrowths of jurisdiction originally exercised by the Executive Council of the Province of Ontario or by the Legislature itself. The basic purpose of setting up an administrative tribunal to exercise such jurisdiction appears to have been to provide a forum in which those having an interest could be heard and could have their claims and interests adjudicated after a litigated hearing.

Since the Board is a tribunal it is in law subject to the rules of natural justice which are generally accepted to be:

- 1: That the tribunal shall be free from bias.
- 2: That all persons having an interest in the subject matter shall be heard.

It must be remembered also that in questions of law and jurisdiction there is an appeal from the Board to the Court of Appeal and on all other questions there is an appeal to the Executive Council of the province, the Cabinet.

The actual duties and functions of the Board are found largely in The Municipal Act, The Assessment Act, The Planning Act and the school acts, but in addition there is a myriad of other statutory provisions which confer jurisdiction on the Board in a very wide variety of cases. The functions and jurisdiction of the Board may be divided into two general categories:

- 1: Responsibility for the sound growth and development of municipalities within the framework of the statutes with particular regard to economic stability.
- 2: Jurisdiction as arbitrator in the first instance or by way of appeal to determine compensation to be paid by the Crown in the right of Ontario or its Crown corporations, by municipalities and other local authorities, and by certain private corporations.

These two divisions are reported on in Parts IV and V respectively of this report.

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PART IV

GROWTH AND ECONOMIC STABILITY OF MUNICIPALITIES

This part of the Board's jurisdiction can be divided under the following headings:

- 1: Constitution, Boundary Revision and Dissolution of Municipalities.
- 2: Approval of Capital Undertakings and of the Imposition of Rates and Levies to Recover the Cost Thereof.
- 3: Approval of Restricted Area By-laws, Official Plans and Plans of Subdivision.
- 4: Assessment.

SECTION 1Constitution, Boundary Revision
and Dissolution of Municipalities

During the year the Board ordered the erection of one improvement district into a township and the incorporation of one new improvement district.

Given in Schedule "A" to this report is a list of one amalgamation and thirteen annexations ordered by the Board during the year. Particular mention should be made of the amalgamation of the City of Sault Ste. Marie with the neighboring Townships of Korah and Tarentorus. Perhaps unique in the history of boundary change applications was the fact that this application was made by one of the townships, Tarentorus, and was opposed by the city. Amalgamation was ordered effective January 1st, 1965, in order that ample time would be given at the local level to negotiate and work out as many as possible of the questions which arise in the case of a change of such extent. The formal order, deciding such questions as worked out, or failing such as decided by the Board, will be issued during the year 1964, but only after the local people have had a full opportunity to reach agreement.

A very unusual situation was dealt with in the annexation to the Town of Kapuskasing of the Improvement District of Val Albert and of part of the unorganized Township of O'Brien. In the

latter area was the hamlet known as Brunetville. The application was made by the Minister of Municipal Affairs. The plan presented to the Board and given general support was designed to bring desperately needed water, sewer and other minimum municipal services to the annexed areas and thus permit the whole community to develop as one municipality.

In the Woodstock decision the Board laid down two principles which might be said to be of general application and which have evoked considerable interest. They were:

- 1: On applications for boundary change there is not an onus on the applicant in the ordinary sense of that word as used in a case before the courts.
- 2: The controlling factor should not be the "need" of the applicant but rather what is for the greatest common good in the whole area under review.

SECTION 2

Approval of Capital Undertakings and of the Imposition of Rates and Levies to Recover the Cost Thereof

The year 1963 saw a very wide acceptance of the new procedure whereby municipalities who choose to do so file with the Board a five-year forecast of their capital needs and based thereon the Board establishes a quota for such municipality for the current year. The underlying purpose of this procedure is to transfer from provincial to municipal level the task of surveying, in the first instance at least, the debt position of the municipality both present and future and the future effect on the tax rate disclosed by such a study. This procedure will certainly result in most of the necessary control being exercised by local elected representatives and a minimum of restriction by this Board will be necessary.

The number of municipalities placed on quota during the year was as follows:

The Municipality of Metropolitan Toronto and Area Municipalities	14
Cities	27
Towns	54
Villages	1
Townships	10
Improvement Districts	<u>nil</u>
Total	<u>106</u>

The Board expects this number will increase to about 150 in the year 1964.

This practice means that the amount of new debt which the municipality should assume is decided once and for all at the beginning of the year. Then applications can be processed for approval as they are received with a minimum of delay according to a greatly streamlined procedure.

Apart from keeping watch on the over-all debt of a municipality, the Board must protect ratepayers against any very sharp increase in the debt of a municipality in a relatively short period of time. Such an increase in debt will be reflected in a future year in a sharp increase in the levy required to service the debt. This will, in many cases, result in a hardship to the taxpayer which it is the duty of this Board to consider and prevent.

There is another feature to which the Board must give special attention in the case of projects whereof the whole or part of the cost is to be recovered by the levy of a special rate. In every such case the Board requires that notice be published so that those against whom it is proposed to levy the special rate will have an opportunity to object. If objections are made the Board holds a hearing before the application is considered for approval.

The following table shows the number of new capital expenditure applications received and the total amount approved in each of the past five years:

<u>Year</u>	<u>Number</u>	<u>Amount</u>
1959	2,567	\$284,040,812.67
1960	2,415	317,940,371.21
1961	2,299	274,132,977.37
1962	2,344	391,032,769.76
1963	2,107	382,913,130.95

A detailed classification of municipal capital expenditures approved during the year 1963 will be found in Schedule "B" to this report, together with comparative totals for the previous year.

Ontario Water Resources Commission

A considerable number of the capital undertakings of municipalities in the province are for the construction of water-works or sewerage works by the Ontario Water Resources Commission under the provisions of The Ontario Water Resources Commission Act. Since these projects create a debt of the municipalities they require the approval of the Board under Section 64 of The Ontario Municipal Board Act. When part of the cost is to be raised by a special rate the Board requires public notice and if objections are made a public hearing is held. During the year 1963 the Board received 58 applications from the Commission having a total value of \$11,130,522.16.

SECTION 3

Approval of Restricted Area By-laws, Official Plans and Plans of Subdivision

The jurisdiction of the Board under this heading is conferred by The Planning Act.

The jurisdiction conferred on the Board under Section 30 of The Planning Act to approve land use by-laws passed by municipal councils and in certain cases to require a council to pass an amending by-law is of extremely far-reaching effect and results in the Board being obliged to review and sometimes vary

decisions made by local elected representatives. Usually these elected representatives have determined on a certain course with the advice and assistance of a planning board and in many cases of a trained and experienced planning staff. In the exercise of their best judgment the members of council by a majority vote arrive at a decision which they deem to be just and appropriate. In some cases a council will arrive at such a decision before hearing all those immediately concerned but in most cases council arrives at a decision only after full consideration of representations by all those who ought to be heard.

In this as in all areas of the Board's jurisdiction respect for local autonomy does and must remain a cornerstone of Board policy. In cases in which the Board finds after a full hearing and careful examination of all the facts that there is no reasonable alternative and that the decision of the council must be reversed, a certain measure of sincere criticism is sometimes voiced. On the other hand if the Board upholds the decision or verdict of the elected council against the demands of private interests or another local body, such as a school board, sincere criticism is also engendered among those whose contention has failed.

Such reactions are to be expected but it appears that over the years more and more people are coming to realize a community serves its own best interests by limiting public discussion of the decisions of its tribunals to fair comment. In any event, the duty of the Board under the statute is clear and must be followed.

The number of applications made to the Board under this legislation during the year, with figures for the two previous years, is as follows:

	<u>1963</u>	<u>1962</u>	<u>1961</u>
Applications for approval of restricted area by-laws	1001	939	851
Applications for approval of plans of redevelopment	5	2	3
Applications for approval of proposed plans of sub- division	18	22	23
Applications for approval of official plan amendments	31	47	67
Appeals to Board for a direction that a restricted area by-law be amended by council	39	46	64
Appeals from committees of adjustment	153	129	116

SECTION 4

Assessment Appeals

During the year 1963 assessment appeals were made to the Board under the several statutes as follows:

<u>The Assessment Act</u>	264
<u>The Local Improvement Act</u>	15
<u>The Municipal Tax Assistance Act</u>	3
<u>The Power Commission Act</u>	5

There were also filed during the year five appeals for a review of the division of liability among municipalities comprising high school districts.

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PART V

ARBITRATIONS IN RESPECT OF COMPENSATION
FOR LANDS TAKEN OR INJURIOUSLY
AFFECTED

The Board is given jurisdiction to determine compensation or damages to be allowed for lands taken or injuriously affected under various public statutes. The courts have held that in this field the Board must follow strict rules of evidence and what amounts to reasonably strict court procedure. As required by the rules of natural justice the Board's decisions must be based only on known evidence and after a full hearing conducted according to legal principles. During the year 1963 applications were made to the Board for compensation for damages to be allowed for lands taken or injuriously affected by authorities with the right of expropriation as follows:

	<u>1963</u>	<u>1962</u>
<u>The Conservation Authorities Act</u>	27	7
<u>The Highway Improvement Act</u>	42	46
<u>The Municipal Act</u>	23	45
<u>The Ontario Water Resources Commission Act</u>	7	11
Others	11	5

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PART VI

DUTIES AS DRAINAGE REFEREE

The Board was relieved of this responsibility during the year 1963.

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PART VII

REVENUE

In compliance with the requirement of Section 99 of The Ontario Municipal Board Act the Board has adopted a tariff of fees payable on various types of applications and orders.

The following table sets forth the fees received by the Board and transferred to the Treasurer of Ontario for the fiscal year ending March 31st, 1963, and the preceding six years. In conformity with the present system of provincial accounting this table is given for the fiscal year only, in contrast to other statistics contained in this report, which are made for the calendar year ending December 31st, 1963.

<u>Fiscal Year</u>	<u>Amount</u>
1956-57	\$ 293,321.49
1957-58	272,339.09
1958-59	328,181.66
1959-60	345,538.56
1960-61	320,021.63
1961-62	294,001.91
1962-63	319,086.12

The revenues of the Board for the calendar year 1963 amounted to \$316,610.60.

All of which is respectfully submitted.

J. A. KENNEDY
CHAIRMAN

B. VICKERS
SECRETARY

D. H. SUTHERLAND
REGISTRAR

This is SCHEDULE "A" to the 58TH ANNUAL REPORT of the ONTARIO MUNICIPAL BOARD
for the year 1963, made to

THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS

DECISIONS GRANTING ANNEXATIONS - 1963

<u>Date of Decision</u>	<u>To</u>	<u>From</u>	<u>Effective date</u>	<u>Area</u>
Jan. 2nd, 1963	Trenton Town	Murray & Sidney Townships	Jan. 1st, 1964	643.000 ac.
Apr. 9th, 1963	Seaforth Town	McKillop Township	Jan. 1st, 1964	25. "
Apr. 29th, 1963	Kingsville Town	Gosfield South Township	Jan. 1st, 1964	1,076. "
May 23rd, 1963	Port Colborne Town	Humberstone & Wainfleet Townships	Jan. 1st, 1964	8,200. 3,500. "
June 7th, 1963	Simcoe Town	Woodhouse Township	Jan. 1st, 1964	-
June 19th, 1963	Woodstock City	Blandford, East Oxford West Oxford & East Zorra Townships	Jan. 1st, 1964	-
Aug. 6th, 1963	Goderich Town	Goderich Township	Jan. 1st, 1964	160. "
Aug. 30th, 1963	Cannington Village	Brock Township	Jan. 1st, 1964	7.031 "
Oct. 28th, 1963	Sundridge Village	Strong Township	Jan. 1st, 1964	0.839 "
Nov. 4th, 1963	Kitchener City	Waterloo Township	Jan. 1st, 1964	738.556 "
Nov. 5th, 1963	Kapuskasing Town	Val Albert I.D. O'Brien Twp.	Jan. 1st, 1964	12.487 "
Nov. 13th, 1963	Mount Forest Town	Egremont Township	Jan. 1st, 1964	-
Nov. 27th, 1963	Chesterville Village	Winchester Township	Jan. 1st, 1964	5.68 "
Dec. 2nd, 1963	Barrie City	Vespra Township	Jan. 1st, 1964	-
Dec. 9th, 1963	Guelph City	Guelph Township	Jan. 1st, 1964	2.48 "
Dec. 13th, 1963	Smith's Falls Town	Montague Township	Feb. 1st, 1964	0.087 "

AMALGAMATION GRANTED - 1963

Oct. 17th, 1963	Tarentorus Township	Sault Ste. Marie Korah Township	Jan. 1st, 1965
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This is SCHEDULE "B" to the 58TH ANNUAL REPORT of the ONTARIO MUNICIPAL BOARD

for the year 1963, made to

THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS

CLASSIFICATION OF MUNICIPAL CAPITAL EXPENDITURES

APPROVED DURING 1963

<u>I - MUNICIPAL</u>			
(1)	<u>General Government</u>	<u>Amount Approved</u>	
		<u>1963</u>	<u>1962</u>
	Civic Buildings	\$ 21,720,652.03	\$ 24,504,698.02
(2)	<u>Protection to Persons & Property</u>		
	Fire	2,097,953.57	
	Police	72,875.84	
	Street Lighting	<u>273,476.53</u>	2,444,305.94
			5,680,752.39
(3)	<u>Public Works</u>		
(a)	Grade Separations	1,698,840.00	
	Streets, Roads, Lanes	32,122,495.30	
	Sidewalks	4,846,428.91	
	Bridges	4,086,931.08	
	Tunnels & Subways	734,723.00	
	Road Machinery	857,793.97	
	Conservation	398,205.23	
	Viaducts	695,000.00	
	Workshops, Yards	340,000.00	
	Expressway	<u>65,980,000.00</u>	111,760,417.49
			54,098,540.89
(b)	Watermains	9,291,421.62	
	Storm Sewers	<u>36,931,288.79</u>	46,222,710.41
			48,956,368.59
(4)	<u>Sanitation and Waste Removal</u>		
	Sanitary Sewers	20,865,071.13	
	Sewage Disposal	20,579,101.63	
	Garbage	297,488.00	
	Street Cleaning	588,508.00	
	Waste Collection	<u>30,000.00</u>	42,360,168.76
			51,585,117.65
(5)	<u>Health</u>		
	Hospital Grants	<u>5,181,745.75</u>	5,181,745.75
			22,510,030.63
(6)	<u>Social Welfare</u>		
	Homes for the Aged	27,500.00	
	Charitable Institutions	<u>13,604,878.00</u>	13,632,378.00
			8,629,234.33
(7)	<u>Recreation Services</u>		
	Parks	4,617,230.22	
	Skating Rinks, Arenas	1,753,802.72	
	Swimming Pools	7,500.00	
	Community Centres	<u>1,359,329.00</u>	7,737,861.94
			9,203,416.00
(8)	<u>Community Services</u>		
	Fairs	34,570.00	
	Libraries	1,924,480.00	
	Housing	<u>2,006,700.00</u>	3,965,750.00
			11,863,015.02
	General Government	<u>\$255,025,990.32</u>	<u>\$237,031,173.52</u>

Schedule "B" - continued

II - EDUCATION

Elementary Schools	\$55,695,445.08		
Secondary Schools	<u>46,864,074.99</u>	<u>\$ 102,559,520.07</u>	<u>\$135,333,984.81</u>

III - UTILITIES and MUNICIPAL ENTERPRISES

Gas	164,000.00		
Electric Utilities	5,281,531.99		
Water Works	13,374,334.03		
Telephone Municipal	827,450.00		
Transportation	881,013.04		
Acquisition of Lands (Industrial)	1,401,558.40		
Others - Including Parking Lots	<u>3,397,733.10</u>	<u>\$ 25,327,620.56</u>	<u>\$ 18,667,611.43</u>

S U M M A R Y

General Government	\$ 255,025,990.32	\$ 237,031,173.52
Education	102,559,520.07	135,333,984.81
Municipal Enterprises	25,327,620.56	18,667,611.43
	<u>\$ 382,913,130.95</u>	<u>\$ 391,032,769.76</u>

Schedule "B" - continued

CAPITAL EXPENDITURES - 1963

Separate Statement of Local Debt and General Debt

	<u>Local Debt</u>	<u>General Debt</u>	<u>Total</u>
General Government I and II		\$ 24,164,957.97	\$ 24,164,957.97
Public Works	\$ 67,412,360.49	90,570,767.41	157,983,127.90
Sanitation	15,040,968.24	27,319,200.52	42,360,168.76
Health		5,181,745.75	5,181,745.75
Local Welfare		13,632,378.00	13,632,378.00
Recreation Services		7,737,861.94	7,737,861.94
Community Services		3,965,750.00	3,965,750.00
Education		102,559,520.07	102,559,520.07
Gas		164,000.00	164,000.00
Electric Utilities		5,281,531.99	5,281,531.99
Water Works		13,374,334.03	13,374,334.03
Municipal Telephone		827,450.00	827,450.00
Transportation		881,013.04	881,013.04
Acquisition of Lands (Industrial)		1,401,558.40	1,401,558.40
Other - includes parking lots		3,397,733.10	3,397,733.10
	<u>\$ 82,453,328.73</u>	<u>\$300,459,802.22</u>	<u>\$ 382,913,130.95</u>



Government
P. 11

THE ONTARIO MUNICIPAL BOARD
145 Queen Street West
Toronto, 1.

59TH ANNUAL REPORT

by

THE ONTARIO MUNICIPAL BOARD

Upon the Affairs of The Board

During the Year Ended

December 31, 1964

TO: THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS

Pursuant to Section 100 of
The Ontario Municipal Board Act
R.S.O. 1960, Chapter 274

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THE ONTARIO MUNICIPAL BOARD

PART I

ESTABLISHMENT AND OPERATION

The Ontario Municipal Board was established under the authority of The Ontario Railway and Municipal Board Act, 1906. The present organization of the Board is provided for in The Ontario Municipal Board Act, (R.S.O. 1960, c.274). The Board carries out and performs statutory duties and functions only, and while it is a corporate body the practice is strictly followed of assigning members to specific applications and thereafter they are considered seized of such application. If a change must be made for an unavoidable reason the hearing is commenced de novo. The Board is given jurisdiction under a large number of statutes but its procedure and general powers are governed by The Ontario Municipal Board Act. Two members are a quorum to hear and dispose of any application and the Chairman may appoint one member to hear any application and report to the Board. In such cases the decision or order is made by two other members, one of whom must be the Chairman or a vice-chairman.

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PART II

MEMBERSHIP AND ORGANIZATION

The membership and organization of the Board during the period covered by this report was as follows:

J. A. KENNEDY, Q.C. (Appointed October 1st, 1956)	Chairman
R. L. KENNEDY (Appointed February 15th, 1951)	Vice-Chairman
A. H. ARRELL, Q.C. (Appointed June 30th, 1961)	Vice-Chairman
H. E. ROBERTS (Appointed June 30th, 1961)	Vice-Chairman
W. GREENWOOD (Appointed January 1st, 1953)	Member
D. JAMIESON (Appointed December 1st, 1955)	Member
V. S. MILBURN (Appointed April 1st, 1956)	Member
A. L. McCRAE (Appointed December 1st, 1958)	Member
J. V. LUDGATE (Appointed April 1st, 1962)	Member
F. G. BLAKE (Appointed November 15th, 1962)	Member
W. SHUB, Q.C. (Appointed June 1st, 1963)	Member
R. M. McGUIRE (Appointed November 1st, 1963)	Member
<hr/>	
B. VICKERS (Appointed April 1st, 1961)	Secretary
D. H. SUTHERLAND (Appointed January 1st, 1963)	Registrar

All members and staff are engaged full-time. The Board's Chambers during the year were located in the Ontario Government Building at 145 Queen Street West, Toronto.

PART III

JURISDICTION AND FUNCTIONS

The jurisdiction and function of this Board are a part of what has come to be known as the administrative process. The Board is not a department of government but a tribunal exercising a wide variety of jurisdiction with respect to municipalities much of which was exercised at one time by the Executive Council of the province or by the Legislature.

As a tribunal the Board is subjected in law to the rules of natural justice which, as applied in this case, could be stated as follows:

- 1: The tribunal shall be free from bias.
- 2: All persons having an interest in the subject matter shall be heard.

In matters of law and jurisdiction there is an appeal from the Board to the Court of Appeal and on all matters there is an appeal to the Lieutenant-Governor in Council.

The actual duties and functions of the Board are found largely in The Municipal Act, The Assessment Act, The Planning Act and the school acts, but in addition there is a myriad of other statutory provisions which confer jurisdiction on the Board in a very wide variety of cases. The functions and jurisdiction of the Board may be divided into two general categories:

- 1: Responsibility for the sound growth and development of municipalities within the framework of the statutes with particular regard to economic stability.
- 2: Jurisdiction as arbitrator in the first instance or by way of appeal to determine compensation to be paid by the Crown in the right of Ontario or its Crown corporations, by municipalities and other local authorities, and by certain private corporations.

These two divisions are reported on in Parts IV and V respectively of this report.

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PART IV

GROWTH AND ECONOMIC STABILITY OF MUNICIPALITIES

This part of the Board's jurisdiction can be divided under the following headings:

- 1: Constitution, Boundary Revision and Dissolution of Municipalities.
- 2: Approval of Capital Undertakings and of the Imposition of Rates and Levies to Recover the Cost Thereof.
- 3: Approval of Restricted Area By-laws, Official Plans and Plans of Subdivision.
- 4: Assessment.

SECTION 1Constitution, Boundary Revision
and Dissolution of Municipalities

During the year the Board ordered the incorporation of two villages. Given in Schedule "A" to this report is a list of one amalgamation and seventeen annexations ordered by the Board during the year. This compares with thirteen annexations ordered in the year 1963.

SECTION 2Approval of Capital Undertakings
and of the Imposition of Rates and
Levies to Recover the Cost Thereof

In the year 1964 the Board achieved a much wider acceptance of its procedure whereby municipalities choosing to do so file with the Board a five-year forecast of their anticipated capital expenditures and based thereon the Board establishes a quota for such municipality for the current year. The purpose of this procedure is to achieve a proper planning of capital expenditures at the local level. When the local authorities have studied their capital needs and their financial capacity to meet those needs, the result is that in most cases the necessary control is imposed at the local level with all desirable respect for local autonomy and a minimum of restriction by this Board is necessary.

The number of municipalities placed on quota during the year was as follows:

The Municipality of Metropolitan Toronto and Area Municipalities	14
Cities	31
Towns	72
Townships	31
Villages	9
Improvement Districts	<u>nil</u>
Total :	<u><u>168</u></u>

It has been possible to provide a greatly streamlined procedure for the handling of applications from municipalities on quota since the amount of new debt they may incur has been determined at the beginning of the year.

The Board also keeps watch over sharp increases in debt of a municipality and over special rates to be imposed to meet the cost of capital undertakings. In the latter case notice is directed to those sought to be specially assessed and if objection is made a hearing is held.

The following table shows the number of new capital expenditure applications received and the total amount approved in each of the last five years:

<u>Year</u>	<u>Number</u>	<u>Amount</u>
1960	2,415	\$ 317,940,371.21
1961	2,299	274,132,977.37
1962	2,344	391,032,769.76
1963	2,107	382,913,130.95
1964	2,641	476,794,469.95

Ontario Water Resources Commission

A considerable number of the capital undertakings of municipalities in the province are for the construction of water-works or sewerage works by The Ontario Water Resources Commission Act. Since these projects create a debt of the municipalities they require the approval of the Board under Section 64 of The Ontario Municipal Board Act. When part of the cost is to be raised by a special rate the Board requires public notice and if objections are made a public hearing is held. During the year 1964 the Board received 40 applications from the Commission having a total value of \$14,114,125.00.

SECTION 3

Approval of Restricted Area By-laws, Official Plans and Plans of Subdivision

The jurisdiction of the Board under this heading is conferred by The Planning Act.

Section 30 of that Act gives the Board power to approve by-laws regulating land use passed by municipal councils and in certain cases the power to require a council to amend such a by-law. These powers are very far-reaching and require the greatest care and consideration on the part of the Board because of the control involved over the actions of elected representatives and because of the grave importance of the subject matter of the by-laws.

In this as in all areas of the Board's jurisdiction respect must be maintained for local autonomy. Only in case of clear merit is the decision of local elected representatives reversed.

The number of applications made to the Board under this legislation during the year, with figures for the two previous years, is as follows:

	<u>1964</u>	<u>1963</u>	<u>1962</u>
Applications for approval of restricted area by-laws	1134	1001	939
Applications for approval of plans of redevelopment	1	5	2
Applications for approval of proposed plans of sub- division	29	18	22
Applications for approval of official plan amendments	25	31	47
Appeals to Board for a direction that a restricted area by-law be amended by council	45	39	46
Appeals from committees of adjustment	162	153	129

SECTION 4

Assessment Appeals

During the year 1964 assessment appeals were made to the Board under the several statutes as follows:

<u>The Assessment Act</u>	236
<u>The Local Improvement Act</u>	5
<u>The Municipal Tax Assistance Act</u>	1

There were also filed during the year six appeals for a review of the division of liability among municipalities comprising high school districts.

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PART V

ARBITRATIONS IN RESPECT OF COMPENSATION
FOR LANDS TAKEN OR INJURIOUSLY
AFFECTED

The Board is given jurisdiction to determine compensation or damages to be allowed for lands taken or injuriously affected under various public statutes. The courts have held that in this field the Board must follow strict rules of evidence and what amounts to reasonably strict court procedure. As required by the rules of natural justice the Board's decisions must be based only on known evidence and after a full hearing conducted according to legal principles. During the year 1964 applications were made to the Board for compensation for damages to be allowed for lands taken or injuriously affected by authorities with the right of expropriation as follows:

	<u>1964</u>	<u>1963</u>
The Conservation Authorities Act	19	27
The Expropriating Procedures Act, 1962-63	1	--
The Highway Improvement Act	43	42
The Municipal Act	45	23
The Ontario Municipal Board Act	2	--
The Ontario Water Resources Commission Act	13	7
The Power Commission Act	1	--
The Public Works Act	2	--
Others	6	11

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PART VI

REVENUE

In compliance with the requirement of Section 99 of The Ontario Municipal Board Act the Board has adopted a tariff of fees payable on various types of applications and orders.

The following table sets forth the fees received by the Board and transferred to the Treasurer of Ontario for the fiscal year ending March 31st, 1964, and the preceding six years. In conformity with the present system of provincial accounting this table is given for the fiscal year only, in contrast to other statistics contained in this report, which are made for the calendar year ending December 31st, 1964.

<u>Fiscal Year</u>	<u>Amount</u>
1957-58	\$ 272,339.09
1958-59	328,181.66
1959-60	345,538.56
1960-61	320,021.63
1961-62	294,001.91
1962-63	319,086.12
1963-64	308,631.05

The revenues of the Board for the calendar year 1964 amounted to \$361,173.79.

All of which is respectfully submitted.

J. A. KENNEDY
CHAIRMAN

B. VICKERS
SECRETARY

D. H. SUTHERLAND
REGISTRAR

This is SCHEDULE "A" to the 59TH ANNUAL REPORT of the ONTARIO MUNICIPAL BOARD

for the year 1964, made to

THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS

DECISIONS GRANTING ANNEXATIONS - 1964

<u>Date of Decision</u>	<u>To</u>	<u>From</u>	<u>Effective Date</u>	<u>Area</u>
Dec. 2nd, 1963	Barrie, City	Vespra Township	Jan. 1st, 1964	1,530.00 acres
Oct. 19th, 1964	Beaverton Village	Thorah Township	Jan. 1st, 1965	3.26 acres
May 25th, 1964	Burlington Town	Hamilton City	Jan. 1st, 1965	-
Oct. 19th, 1964	Cobourg Town	Hamilton Township	Jan. 1st, 1965	33.00 acres
Dec. 9th, 1963	Guelph City	Guelph Township	Jan. 1st, 1964	2.48 acres
Mar. 26th, 1964	Gananoque Town	Front of Leeds & Lansdowne Townships	Aug. 1st, 1964	29.40 acres
June 19th, 1964	Hanover Town	Brant Township	Sept. 1st, 1964	25.00 acres
Oct. 19th, 1964	Huntsville Town	Chaffey Township	Jan. 1st, 1965	4.28 acres
Jan. 30th, 1964	Kitchener City	Waterloo City	Feb. 1st, 1964	0.46 acres
July 27th, 1964	Leamington Town	Mersea Township	Aug. 1st, 1964	11.12 acres
June 23rd, 1964	Midland Town	Tay and Tiny Townships	Jan. 1st, 1965	1,422.80 acres
May 11th, 1964	Port Elgin Town	Saugeen Township	Jan. 1st, 1965	320.00 acres
Oct. 27th, 1964	Rayside Township	Snider Township	Jan. 1st, 1965	-
June 9th, 1964	South Elmsley Township	Smith's Falls Town	July 1st, 1964	1.315 acres
Mar. 13th, 1964	Wallaceburg Town	Gore of Chatham Twp. and Chatham Township	Jan. 1st, 1965	-
June 30th, 1964	Waterloo City	Waterloo Township	Jan. 1st, 1965	1,596.41 acres
Apr. 24th, 1964	Wasaga Beach Village	Sunnidale and Flos Townships	Jan. 1st, 1964	1,636.80 acres 337.50 acres

AMALGAMATION GRANTED - 1964

Nov. 23rd, 1964	Thessalon Township	Nesterville Town	Jan. 1st, 1965
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This is SCHEDULE "B" to the 59TH ANNUAL REPORT of the ONTARIO MUNICIPAL BOARD

for the year 1964, made to

THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS

CLASSIFICATION OF MUNICIPAL CAPITAL EXPENDITURES

APPROVED DURING 1964

I - MUNICIPAL

(1) <u>General Government</u>	<u>Amount Approved</u>	<u>1964</u>	<u>1963</u>
Civic Buildings	\$ 11,575,248.05		
Civic Equipment	268,341.86	\$ 11,843,589.91	\$ 21,720,652.03
(2) <u>Protection to Persons & Property</u>			
Fire	2,503,755.20		
Police	373,993.00		
Street Lighting	659,798.71	3,537,546.91	2,444,305.94
(3) <u>Public Works</u>			
(a) Grade Separations	19,566.82		
Streets, Roads, and Lanes	63,733,161.10		
Sidewalks	5,058,973.35		
Bridges	15,696,487.97		
Tunnels & Subways	78,114,443.00		
Road Machinery	597,435.98		
Conservation	395,544.50		
Waterways	557,476.00		
Workshops, Yards	446,400.00	164,619,488.72	111,760,417.49
(b) Watermains	21,193,492.98		
Storm Sewers	33,709,866.60	54,903,359.58	46,222,710.41
(4) <u>Sanitation and Waste Removal</u>			
Sanitary Sewers	19,766,966.44		
Sewage Disposal	10,710,095.33		
Garbage	231,500.00		
Street Cleaning	690,686.00		
Air Pollution	100,000.00	31,499,247.77	42,360,168.76
(5) <u>Health</u>			
Health Clinics	469,610.00		
Hospitals	4,803,248.95	5,272,858.95	5,181,745.75
(6) <u>Social Welfare</u>			
Homes for the Aged	8,279,421.53	8,279,421.53	13,632,378.00
(7) <u>Recreation Services</u>			
Amusement Parks	8,923,960.35		
Swimming Pools	967,715.82		
Skating Rinks	2,465,079.00		
Community Centres	533,226.60	12,889,981.77	7,737,861.94
(8) <u>Community Services</u>			
Theatre Art Galleries	5,600,000.00		
Libraries	2,219,335.00		
Museums, Markets	78,760.00		
Housing	6,242,750.00	14,140,845.00	3,965,750.00
Total General Government		\$306,986,340.14	\$255,025,990.32

Schedule "B" - continued

II - EDUCATION

Elementary Schools	\$62,980,141.09		
Secondary Schools	<u>65,723,015.80</u>	<u>\$128,703,156.89</u>	<u>\$102,559,520.07</u>

III - UTILITIES and MUNICIPAL ENTERPRISES

Gas	400,000.00		
Electric Utilities	9,937,100.74		
Water Works	6,307,356.18		
Municipal Telephones	542,597.00		
Transportation	455,560.00		
Acquisition of Lands	14,671,959.00		
Others - including			
Parking Lots	<u>8,790,400.00</u>	<u>\$ 41,104,972.92</u>	<u>\$ 25,327,620.56</u>

S U M M A R Y

General Government	\$306,986,340.14	\$255,025,990.32
Education	128,703,156.89	102,559,520.07
Municipal Enterprises	<u>41,104,972.92</u>	<u>25,327,620.56</u>
	<u>\$476,794,469.95</u>	<u>\$382,913,130.95</u>



Government
Publications

THE ONTARIO MUNICIPAL BOARD
145 Queen Street West
Toronto, 1.

60TH ANNUAL REPORT

of

THE ONTARIO MUNICIPAL BOARD

Upon the Affairs of The Board

During the Year Ended

December 31, 1965

TO: THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS

Pursuant to Section 100 of
The Ontario Municipal Board Act
R.S.O. 1960, Chapter 274



THE ONTARIO MUNICIPAL BOARD

PART I

ESTABLISHMENT AND OPERATION

The Ontario Municipal Board was established under the authority of The Ontario Railway and Municipal Board Act, 1906. The present organization of the Board is provided for in The Ontario Municipal Board Act, (R.S.O. 1960, c.274). The Board carries out and performs statutory duties and functions only, and while it is a corporate body the practice is strictly followed of assigning members to specific applications which require a hearing and thereafter they are considered seized of such application. If a change must be made for an unavoidable reason the hearing is commenced de novo. The Board is given jurisdiction under a large number of statutes but its procedure and general powers are governed by The Ontario Municipal Board Act. Two members are a quorum to hear and dispose of any application and the Chairman may appoint one member to hear any application and report to the Board. In such cases the decision or order is made by two other members, one of whom must be the Chairman or a vice-chairman.

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PART II

MEMBERSHIP AND ORGANIZATION

The membership and organization of the Board during the period covered by this report was as follows:

J. A. KENNEDY, Q.C. (Appointed October 1st, 1956)	Chairman
R. L. KENNEDY (Appointed February 15th, 1951) (Retired September 23rd, 1965)	Vice-Chairman
A. H. ARRELL, Q.C. (Appointed June 30th, 1961)	Vice-Chairman
H. E. ROBERTS (Appointed June 30th, 1961)	Vice-Chairman
D. JAMIESON (Appointed December 1st, 1955) (Appointed Vice-Chairman November 1st, 1965)	Vice-Chairman
W. GREENWOOD (Appointed January 1st, 1953)	Member
V. S. MILBURN (Appointed April 1st, 1956)	Member
A. L. McCRAE (Appointed December 1st, 1958)	Member
J. V. LUDGATE (Appointed April 1st, 1962)	Member
F. G. BLAKE (Appointed November 15th, 1962)	Member
W. SHUB, Q.C. (Appointed June 1st, 1963)	Member
R. M. McGUIRE (Appointed November 1st, 1963)	Member
W. T. SHRIVES (Appointed October 18th, 1965)	Member
<hr/>	
B. VICKERS (Appointed April 1st, 1961)	Secretary
D. H. SUTHERLAND (Appointed January 1st, 1963)	Registrar
<hr/>	

All Board members and staff are engaged full-time. The Board's Chambers during the year were located in the Ontario Government Building at 145 Queen Street West, Toronto.

PART III

JURISDICTION AND FUNCTIONS

The jurisdiction and function of this Board are a part of what is known as the administrative process. The Board is not a department of government but a tribunal exercising a wide variety of jurisdiction with respect to municipalities a great part of which was exercised at one time by the Executive Council of the province or by the Legislature.

As a tribunal the Board is subject in law to the rules of natural justice which, as applied in this case, could be stated as follows:

- 1: The tribunal shall be free from bias.
- 2: All persons having an interest in the subject matter shall be heard.

In matters of law and jurisdiction there is an appeal from the Board to the Court of Appeal and on all matters there is an appeal to the Lieutenant-Governor in Council.

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- 1: Responsibility for the sound growth and development of municipalities within the framework of the statutes with particular regard to economic stability.
- 2: Jurisdiction as arbitrator in the first instance or by way of appeal to determine compensation to be paid by the Crown in the right of Ontario or its Crown corporations, by municipalities and other local authorities, and by certain private corporations.

These two divisions are reported on in Parts IV and V respectively of this report.

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PART IV

GROWTH AND ECONOMIC STABILITY OF MUNICIPALITIES

As noted in previous annual reports this part of the Board's jurisdiction can be divided under the following headings:

- 1: Constitution, Boundary Revision and Dissolution of Municipalities.
- 2: Approval of Capital Undertakings and of the Imposition of Rates and Levies to Recover the Cost Thereof.
- 3: Approval of Restricted Area By-laws, Official Plans and Plans of Subdivision.
- 4: Assessment.

SECTION 1Constitution, Boundary Revision
and Dissolution of Municipalities

During the year the Board ordered the erection of the Village of New Hamburg into a town, and the erection of the Improvement District of Elliot Lake into a township municipality.

Given in Schedule "A" to this report is a list of eighteen annexations ordered by the Board during the year.

SECTION 2Approval of Capital Undertakings
and of the Imposition of Rates and
Levies to Recover the Cost Thereof

In the year 1965 the Board's procedure whereby municipalities choosing to do so file with the Board a five-year forecast of their anticipated capital expenditures has been extended to most municipalities which would benefit from such procedure. After study of such forecast the Board establishes a quota for the municipality for the current year. The purpose of this procedure is to achieve a proper planning of capital expenditures at the local level. When the local authorities have studied their capital needs and their financial capacity to meet those needs, the result is that in most cases the necessary control is imposed at the local level with desirable respect for local autonomy and a minimum of restriction by this Board is necessary.

The number of municipalities placed on quota during the year was as follows;

The Municipality of Metropolitan Toronto and Area Municipalities	14
Cities	31
Towns	64
Townships	26
Villages	7
Improvement Districts	0
Total:	<u>142</u>

It is possible to provide a greatly streamlined procedure for the handling of applications from municipalities on quota since the amount of new debt they may incur has been studied and determined at the beginning of the year.

The Board also keeps watch over sharp increases in debt of a municipality and over special rates to be imposed to meet the cost of capital undertakings. In the latter case notice is directed to those sought to be specially assessed and if objection is made a hearing is held.

The following table shows the number of new capital expenditure applications received and the total amount approved in each of the last five years:

<u>Year</u>	<u>Number</u>	<u>Amount</u>
1961	2,299	\$ 274,132,977.37
1962	2,344	391,032,769.76
1963	2,107	382,913,130.95
1964	2,641	476,794,469.95
1965	2,690	510,137,199.62

.....

Ontario Water Resources Commission

A considerable number of the capital undertakings of municipalities in the province are for the construction of water-works or sewerage works by The Ontario Water Resources Commission Act. Since these projects create a debt of the municipalities they require the approval of the Board under Section 64 of The Ontario Municipal Board Act. When part of the cost is to be raised by a special rate the Board requires public notice and if objections are made a public hearing is held. During the year 1965 the Board received 47 applications from the Commission having a total value of \$12,491,075.00.

SECTION 3Approval of Restricted Area By-laws,
Official Plans and Plans of Subdivision

The jurisdiction of the Board under this heading is conferred by The Planning Act.

Section 30 of that Act imposes upon the Board the duty of approving by-laws regulating land use passed by municipal councils and in certain cases the power to require a council to amend such a by-law. These powers are very far-reaching and require the greatest care and consideration on the part of the Board because of the control involved over the actions of elected representatives and because of the grave importance of the subject matter of the by-laws.

In this as in all areas of the Board's jurisdiction respect must be maintained for local autonomy. Only in case of clear merit is the decision of local elected representatives reversed.

The number of applications made to the Board under this legislation during the year, with figures for the two previous years, is as follows:

	<u>1965</u>	<u>1964</u>	<u>1963</u>
Applications for approval of restricted area by-laws	1129	1134	1001
Applications for approval of plans of redevelopment	3	1	5
Applications for approval of proposed plans of sub- division	12	29	18
Applications for approval of official plan amendments	21	25	31
Appeals to Board for a direction that a restricted area by-law be amended by council	47	45	39
Appeals from committees of adjustment	302	162	153

SECTION 4

Assessment Appeals

During the year 1965 assessment appeals were made to the Board under the several statutes as follows:

<u>The Assessment Act</u>	168
<u>The Local Improvement Act</u>	3
<u>The Municipal Tax Assistance Act</u>	1

There were also filed during the year eight appeals for a review of the division of liability among municipalities comprising high school districts.

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PART V

ARBITRATIONS IN RESPECT OF COMPENSATION
FOR LANDS TAKEN OR INJURIOUSLY
AFFECTED

The Board is given jurisdiction to determine compensation or damages to be allowed for lands taken or injuriously affected under various public statutes. The courts have held that in this field the Board must follow strict rules of evidence and what amounts to reasonably strict court procedure. As required by the rules of natural justice the Board's decisions must be based only on known evidence and after a full hearing conducted according to legal principles. During the year 1965 applications were made to the Board for compensation for damages to be allowed for lands taken or injuriously affected by authorities with the right of expropriation as follows:

	<u>1965</u>	<u>1964</u>
<u>The Conservation Authorities Act</u>	15	19
<u>The Expropriating Procedures Act, 1962-63,</u>	90	1
<u>The Highway Improvement Act</u>	34	43
<u>The Municipal Act</u>	58	45
<u>The Ontario Municipal Board Act</u>	1	2
<u>The Ontario Water Resources Commission Act</u>	6	13
<u>The Power Commission Act</u>	4	1
<u>The Public Works Act</u>	4	2
Others	1	6

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PART VI

REVENUE

In compliance with the requirement of Section 99 of The Ontario Municipal Board Act the Board has adopted a tariff of fees payable on various types of applications and orders.

The following table sets forth the fees received by the Board and transferred to the Treasurer of Ontario for the fiscal year ending March 31st, 1965, and the preceding six years. In conformity with the present system of provincial accounting this table is given for the fiscal year only, in contrast to other statistics contained in this report, which are made for the calendar year ending December 31st, 1965.

<u>Fiscal Year</u>	<u>Amount</u>
1958-59	\$ 328,181.66
1959-60	345,538.56
1960-61	320,021.63
1961-62	294,001.91
1962-63	319,086.12
1963-64	308,631.05
1964-65	308,066.04

The revenues of the Board for the calendar year 1965 amounted to \$412,731.05.

All of which is respectfully submitted.

J. A. KENNEDY
CHAIRMAN

B. VICKERS
SECRETARY

D. H. SUTHERLAND
REGISTRAR

This is SCHEDULE "A" to the 60TH ANNUAL REPORT of THE ONTARIO MUNICIPAL BOARD

for the year 1965, made to

THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS

DECISIONS GRANTING ANNEXATIONS - 1965

<u>Date of Decision</u>	<u>To</u>	<u>From</u>	<u>Effective Date</u>	<u>Area - acres</u>
Apr. 23rd, 1965	Belle River Village	Rochester Township	July 1st, 1965	8.67
Oct. 8th, 1965	Brantford City	Brantford Township	Jan. 1st, 1966	193.
Jan. 11th, 1965	Bridgeport Village	Kitchener City	Apr. 1st, 1965	0.948
Jan. 25th, 1965	Capreol Township	Hammer Township	Jan. 1st, 1966	-
Sep. 3rd, 1965	Chatham City	Raleigh Township	Oct. 1st, 1965	81.22
Oct. 19th, 1964	Cobourg Town	Hamilton Township	Jan. 1st, 1965	32.39
Aug. 4th, 1965	Fergus Town	Nichol Township	Jan. 1st, 1966	53.545
Jul. 27th, 1965	Front of Leeds and Lansdowne Township	Front of Escott Township	Aug. 1st, 1965	1,290.
Oct. 7th, 1965	Guelph City	Guelph and Puslinch Townships	Jan. 1st, 1966	9,869.
May 14th, 1965	Hawkesbury Town	West Hawkesbury Township	Jan. 1st, 1966	12.179
Nov. 15th, 1965	Kitchener City	Waterloo Township	Jan. 1st, 1966	1,830.
Apr. 5th, 1965	Peterborough City	Douro and Smith Townships	Jan. 1st, 1966	1,628. 594.
Feb. 5th, 1965	Port Credit Town	Toronto Township	Jan. 1st, 1966	5.741
Jan. 18th, 1965	Port Dover Town	Woodhouse Township	Jan. 1st, 1966	56.
June 30th, 1965	Saugeen Township	Port Elgin Town	Jan. 1st, 1966	23.917
Sep. 20th, 1965	Stratford City	Downie, Ellice, North Easthope and South Easthope Townships	Jan. 1st, 1966	2,163.
Apr. 27th, 1965	Windsor City	Ojibway, Town of Riverside, Town of Tecumseh, Town of St. Clair Beach, Village of Sandwich East, Township of Sandwich South, Township of Sandwich West, Township of	Jan. 1st, 1966	-
Nov. 18th, 1965	West Ferris Township	East Ferris Township	Jan. 1st, 1966	6,350.

This is SCHEDULE "B" to the 60TH ANNUAL REPORT of THE ONTARIO MUNICIPAL BOARD

for the year 1965, made to

THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS

CLASSIFICATION OF MUNICIPAL CAPITAL EXPENDITURES

APPROVED DURING 1965

I - MUNICIPAL

<u>(1) General Government</u>	<u>Amount Approved</u>	<u>1965</u>	<u>1964</u>
Civic Buildings	\$ 22,165,803.09		
Civic Equipment	<u>432,155.37</u>	\$22,597,958.46	\$ 11,843,589.91
<u>(2) Protection to Persons & Property</u>			
Fire	1,817,290.75		
Police	1,077,500.00		
Street Lighting	<u>71,241.00</u>	2,966,031.75	3,537,546.91
<u>(3) Public Works</u>			
(a) Grade Separations	1,767,000.00		
Streets, Roads and Lanes	88,413,873.28		
Sidewalks	4,103,057.07		
Bridges	2,272,270.20		
Tunnels & Subways	1,058,480.00		
Road Machinery	1,052,075.84		
Conservation	265,000.00		
Waterways	359,200.00		
Workshops, Yards	<u>127,100.00</u>	99,418,056.39	164,619,488.72
(b) Watermains	13,535,596.73		
Storm Sewers	<u>39,448,458.05</u>	52,984,054.78	54,903,359.58
<u>(4) Sanitation and Waste Removal</u>			
Sanitary Sewers	29,150,619.55		
Sewage Treatment	12,810,937.50		
Garbage	1,480,000.00		
Waste Collecting	<u>58,131.00</u>	43,499,688.05	31,499,247.77
<u>(5) Health</u>			
Health Clinics	287,000.00		
Hospitals	<u>15,405,240.18</u>	15,692,240.18	5,272,858.95
<u>(6) Social Welfare</u>			
Homes for the Aged	<u>5,149,923.00</u>	5,149,923.00	8,279,421.53
<u>(7) Recreation Services</u>			
Amusement Parks	5,746,021.59		
Golf Courses	82,745.00		
Skating Rinks, Arenas	3,325,814.57		
Swimming Pools	1,064,830.00		
Community Centres	<u>4,236,473.99</u>	14,455,885.15	12,889,981.77
<u>(8) Community Services</u>			
Exhibitions & Fairs	18,000.00		
Libraries	6,799,930.00		
Museums, Markets	162,200.00		
Housing	<u>450,000.00</u>	7,430,130.00	14,140,845.00
Total General Government		<u>\$264,193,967.76</u>	<u>\$306,986,340.14</u>

II - EDUCATION

	<u>Amount Approved</u>	<u>1965</u>	<u>1964</u>
Elementary Schools	\$ 69,280,600.57		
Secondary Schools	<u>124,943,281.89</u>	<u>\$194,223,882.46</u>	<u>\$128,703,156.89</u>

III - UTILITIES and MUNICIPAL ENTERPRISES

Gas	\$ 630,700.00		
Electric Utilities	11,982,670.76		
Water Works	11,803,575.54		
Telephones (Municipal)	1,700,750.00		
Transportation	1,119,200.00		
Acquisition of Lands	15,816,434.00		
Others - including Parking Lots	4,166,019.10		
Don Valley Parkway	<u>4,500,000.00</u>	<u>\$ 51,719,349.40</u>	<u>\$ 41,104,972.92</u>

S U M M A R Y

General Government	\$264,193,967.76	\$306,986,340.14
Education	194,223,882.46	128,703,156.89
Municipal Enterprises	<u>51,719,349.40</u>	<u>41,104,972.92</u>
	<u>\$510,137,199.62</u>	<u>\$476,794,469.95</u>



ONTARIO

THE ONTARIO MUNICIPAL BOARD

145 Queen Street West
Toronto, 1.

61ST ANNUAL REPORT

of

THE ONTARIO MUNICIPAL BOARD

Upon the Affairs of The Board

During the Year Ended

December 31, 1966

TO: THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS

Pursuant to Section 100 of
The Ontario Municipal Board Act
R.S.O. 1960, Chapter 274

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Schedule "A"

Schedule "B"



ONTARIO

THE ONTARIO MUNICIPAL BOARD

145 Queen Street West
Toronto, 1.

PART I

ESTABLISHMENT AND OPERATION

The Ontario Municipal Board was established under the authority of The Ontario Railway and Municipal Board Act, 1906. The present organization of the Board is provided for in The Ontario Municipal Board Act, (R.S.O. 1960, c. 274). The Board carries out and performs statutory duties and functions only, and while it is a corporate body the practice is strictly followed of assigning members to specific applications which require a hearing and thereafter they are considered seized of such application. If a change must be made for an unavoidable reason the hearing is commenced de novo. The Board is given jurisdiction under a large number of statutes but its procedure and general powers are governed by The Ontario Municipal Board Act. Two members are a quorum to hear and dispose of any application and the Chairman may appoint one member to hear any application and report to the Board. In such cases the decision or order is made by two other members, one of whom must be the Chairman or a vice-chairman.

It will be noted in Part II that the number of Board members was increased in 1966 from 12 to 14.

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PART II

MEMBERSHIP AND ORGANIZATION

The membership and organization of the Board during the period covered by this report was as follows :

J. A. KENNEDY, Q.C. (Appointed October 1st, 1956)	Chairman
A. H. ARRELL, Q.C. (Appointed June 30th, 1961)	Vice-Chairman
H. E. ROBERTS, (Appointed June 30th, 1961)	Vice-Chairman
D. JAMIESON (Appointed December 1st, 1955)	Vice-Chairman
W. SHUB, Q.C. (Appointed June 1st, 1963) (Appointed Vice-Chairman October 1st, 1966)	Vice-Chairman
W. GREENWOOD, (Appointed January 1st, 1953)	Member
V. S. MILBURN, (Appointed April 1st, 1956)	Member
A. L. McCRAE, (Appointed December 1st, 1958)	Member
J. V. LUDGATE, (Appointed April 1st, 1962)	Member
F. G. BLAKE, (Appointed November 15th, 1962)	Member
R. M. McGUIRE, (Appointed November 1st, 1963)	Member
W. T. SHRIVES, (Appointed October 18th, 1965)	Member
W. H. J. THOMPSON, Q.C. (Appointed July 1st, 1966)	Member
R. J. MARIN, (Appointed September 1st, 1966)	Member
.....	
B. VICKERS (Appointed April 1st, 1961)	Secretary
D. H. SUTHERLAND, (Appointed January 1st, 1963)	Registrar
.....	

All Board members and staff are engaged full-time. The Board's Chambers during the year were located in the Ontario Government Building at 145 Queen Street West, Toronto.

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PART III

JURISDICTION AND FUNCTIONS

The jurisdiction and function of this Board are a part of what is known as the administrative process. The Board is not a department of government but a tribunal exercising a wide variety of jurisdiction with respect to municipalities a great part of which was exercised at one time by the Executive Council of the province or by the Legislature.

Many matters which come before the Board are dealt with in a purely administrative manner and no hearing of any nature is held. The Board proceeds on information in writing filed by the applicant or other persons interested. Many applications of this nature dealt with in this way are applications for approval of capital expenditures.

There are a number of types of applications in respect of which the statute requires the Board to hold a public hearing, in some cases on notice to persons specified by the statute, and in other cases on such notice as the Board may determine.

There are also cases in which a public hearing is not required by statute but the Board on its own motion decides that a public hearing should be held.

When the Board does hold a hearing it is subject ~~in~~ law to the rules of natural justice which, as applied in this case, could be stated as follows:

- 1: The tribunal shall be free from bias.
- 2: All persons having an interest in the subject matter shall be heard.

In matters of law and jurisdiction there is an appeal from the Board to the Court of Appeal and on all matters there is an appeal to the Lieutenant-Governor in Council.

The actual duties and functions of the Board are found largely in The Municipal Act, The Assessment Act, The Planning

Act and the school acts, but in addition there is a myriad of other statutory provisions which confer jurisdiction on the Board in a very wide variety of cases. The functions and jurisdiction of the Board may be divided into two general categories :

- 1: Responsibility for the sound growth and development of municipalities within the framework of the statutes with particular regard to economic stability.
- 2: Jurisdiction as arbitrator in the first instance or by way of appeal to determine compensation to be paid by the Crown in the right of Ontario or its Crown corporations, by municipalities and other local authorities, and by certain private corporations.

These two divisions are reported on in Parts IV and V respectively of this report.

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PART IV

GROWTH AND ECONOMIC STABILITY OF MUNICIPALITIES

As noted in previous annual reports this part of the Board's jurisdiction can be divided under the following headings:

- 1: Constitution, Boundary Revision and Dissolution of Municipalities.
- 2: Approval of Capital Undertakings and of the Imposition of Rates and Levies to Recover the Cost Thereof.
- 3: Approval of Restricted Area By-laws, Official Plans and Plans of Subdivision.
- 4: Assessment.

SECTION 1Constitution, Boundary Revision
and Dissolution of Municipalities

Given in Schedule "A" to this report is a list of twenty-five annexations ordered by the Board during the year, and five amalgamations. The Police Village of Smithville was dissolved effective January 1st, 1967.

SECTION 2Approval of Capital Undertakings
and of the Imposition of Rates and
Levies to Recover the Cost Thereof

As in the year 1965, the municipalities which would benefit from the quota procedure filed in the year 1966 a five-year forecast of their anticipated capital expenditures. The Board follows a practice of studying such forecast before establishing a quota of capital expenditures for the municipality for the current year. The purpose of this procedure is to achieve a proper planning of capital expenditures at the local level. When the local authorities have studied their capital needs and their financial capacity to meet those needs, the result is that in most cases the necessary control is imposed at the local level with desirable respect for local autonomy and a minimum of restriction by this Board is necessary.

The number of municipalities placed on quota during the year was the same as the number so placed in 1965 and was as follows:

The Municipality of Metropolitan Toronto and Area Municipalities	14
- Cities	31
- Towns	64
- Townships	26
- Villages	7
- Improvement Districts	0
Total :	<u>142</u>

It is possible to provide a greatly streamlined procedure for the handling of applications from municipalities on quota since the amount of new debt they may incur has been studied and determined at the beginning of the year. In this connection advanced legislation was included in the recent amendments to The Municipality of Metropolitan Toronto Act whereby this Board is now empowered to approve one gross amount for capital expenditures for school construction in Metropolitan Toronto for the year. This amendment will remove one step in the procedure required for approval of school construction which in many cases has been found to be very cumbersome.

The Board also keeps watch over sharp increases in debt of a municipality and over special rates to be imposed to meet the cost of capital undertakings. In the latter case notice is directed to those sought to be specially assessed and if objection is made a hearing is held.

The following table shows the number of new capital expenditure applications received and the total amount approved in each of the last five years:

<u>Year</u>	<u>Number</u>	<u>Amount</u>
1962	2,344	\$ 391,032,769.76
1963	2,107	382,913,130.95
1964	2,641	476,794,469.95
1965	2,690	510,137,199.62
1966	2,874	619,231,676.61

At the 1966 session the Legislature enacted The Ontario Education Capital Aid Corporation Act which provides that applications for loans to meet the cost of permanent improvements for school purposes shall be approved by this Board prior to the loan being granted by the Capital Aid Corporation.

This means that many separate school boards are now required, for the first time, to obtain the approval of this Board under Section 64 of The Ontario Municipal Board Act. It is understandable that this legislation has very greatly increased the number of applications to this Board for approval of capital expenditures for school purposes.

Ontario Water Resources Commission

The Ontario Water Resources Commission Act provides for the undertaking by the Commission on behalf of a municipality of the construction of water works and sewerage works. Since these projects create a debt of the municipalities they require the approval of the Board under Section 64 of The Ontario Municipal Board Act. When part of the cost is to be raised by a special rate the Board requires public notice and if objections are made a public hearing is held. During the year 1966 the Board received 53 applications from the Commission having a total value of \$14,634,094.00.

SECTION 3

Approval of Restricted Area By-laws, Official Plans and Plans of Subdivision

The jurisdiction of the Board under this heading is conferred by The Planning Act.

The various duties imposed on the Board by this Act and particularly by Section 30 which requires Board approval of every land use by-law, or amending by-law, passed under the authority of that section, brings before the Board for consideration difficulties and problems which are perhaps closer

to the interests and welfare of the private individual than nearly any other facet of civil government as distinguished from criminal jurisdiction. When one considers that the rights and interests of minorities are often different from the greatest common good of the whole community, and since normally the duty of local elected representatives is to serve the greatest common good, it follows that the rights of individuals or minorities and the decision made by local elected representatives are sometimes severely at variance. It should be remembered that when it is deemed just to approve the decision of the local elected representatives a bitter reaction frequently results from the minority or individuals who may suffer from such a decision and on the other hand, when local elected representatives have carefully and honestly considered a problem and arrived at a decision which in their opinion serves the greatest common good they are often bitter and vocally so when the Board finds it necessary to vary their decision to serve what the Board considers to be paramount private rights.

In this, as in all areas of the Board's jurisdiction, respect must be maintained for local autonomy. Only in case of clear merit is the decision of local elected representatives reversed.

The number of applications made to the Board under this legislation during the year, with figures for the two previous years, is as follows:

	<u>1966</u>	<u>1965</u>	<u>1964</u>
Applications for approval of restricted area by-laws	1184	1129	1134
Applications for approval of plans of redevelopment	8	3	1
Applications for approval of proposed plans of sub- division	18	12	29
Applications for approval of official plan amendments	41	21	25

	<u>1966</u>	<u>1965</u>	<u>1964</u>
Appeals to Board for a direction that a restricted area by-law be amended by council	43	47	45
Appeals from committees of adjustment	413	302	162

SECTION 4

Assessment Appeals

During the year 1966 assessment appeals were made to the Board under the several statutes as follows:

<u>The Assessment Act</u>	171
<u>The Local Improvement Act</u>	4

There were also filed during the year two appeals for a review of the division of liability among municipalities comprising high school districts.

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PART V

ARBITRATIONS IN RESPECT OF COMPENSATION
FOR LANDS TAKEN OR INJURIOUSLY
AFFECTED

The Board is given jurisdiction to determine compensation or damages to be allowed for lands taken or injuriously affected under various public statutes. The courts have held that in this field the Board must follow strict rules of evidence and what amounts to reasonably strict court procedure. As required by the rules of natural justice the Board's decisions must be based only on known evidence and after a full hearing conducted according to legal principles. During the year 1966 applications were made to the Board for compensation for damages to be allowed for lands taken or injuriously affected by authorities with the right of expropriation as follows:

	<u>1966</u>
<u>The Conservation Authorities Act</u>	18
<u>The Highway Improvement Act</u>	35
<u>The Municipality of Metropolitan Toronto Act, 1953</u>	1
<u>The Municipal Act</u>	57
<u>The Ontario Energy Board Act</u>	8
<u>The Ontario Water Resources Commission Act</u>	2
<u>The Power Commission Act</u>	8
<u>The Public Service Works on Highways Act</u>	2
<u>The Public Works Act</u>	8
<u>The Schools Administration Act</u>	6
<u>The University Expropriation Powers Act, 1965</u>	4
<u>The University of Toronto Act, 1947</u>	1

PART VI

REVENUE

In compliance with the requirement of Section 99 of The Ontario Municipal Board Act the Board has adopted a tariff of fees payable on various types of applications and orders.

The following table sets forth the fees received by the Board and transferred to the Treasurer of Ontario for the fiscal year ending March 31st, 1966 and the preceding six years. In conformity with the present system of provincial accounting this table is given for the fiscal year only, in contrast to other statistics contained in this report, which are made for the calendar year ending December 31st, 1966.

<u>Fiscal Year</u>	<u>Amount</u>
1960-61	\$ 320,021.63
1961-62	294,001.91
1962-63	319,036.12
1963-64	308,631.05
1964-65	308,066.04
1965-66	442,623.27

The revenues of the Board for the calendar year 1966 amounted to \$536,256.06.

All of which is respectfully submitted.

J. A. KENNEDY
CHAIRMAN

R. SCOTT
ACTING SECRETARY

D. H. SUTHERLAND
REGISTRAR

This is SCHEDULE "A" to the 61ST ANNUAL REPORT of THE ONTARIO MUNICIPAL BOARD

for the year 1966, made to

THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS

Decisions Granting Annexations - 1966

<u>Date of Decision</u>		<u>Effective Date</u>	<u>Area - acres</u>
June 27, 1966	To : <u>AYR VILLAGE</u> From: North Dumfries Twp.	Jan. 1, 1967	39.49
Oct. 6, 1966	To : <u>CALVERT TOWNSHIP</u> From: Iroquois Falls Town	Jan. 1, 1967	-
Apr. 28, 1966	To : <u>CHATHAM CITY</u> From: Raleigh Township	July 1, 1966	68.87
Feb. 7, 1966	To : <u>CHELMSFORD TOWN</u> From: Balfour Township	Jan. 1, 1967	867.00
Oct. 14, 1966	To : <u>ERIN VILLAGE</u> From: Erin Township	Jan. 1, 1967	350.00
Nov. 17, 1966	To : <u>GALT CITY</u> From: North Dumfries Twp.	Jan. 1, 1967	0.641
June 27, 1966	To : <u>GALT CITY</u> From: North Dumfries Twp.	Aug. 1, 1966	100.00
May 16, 1966	To : <u>HAGERSVILLE VILLAGE</u> From: Walpole Township From: Oneida Township	Sept. 1, 1966	183.00 12.00
Mar. 30, 1966	To : <u>HANOVER TOWN</u> From: Bentinck Twp.	Jan. 1, 1967	150.80
Jan. 10, 1966	To : <u>JARVIS VILLAGE</u> From: Walpole Township	Apr. 1, 1966	202.25
Mar. 30, 1966	To : <u>KINGSTON TOWNSHIP</u> From: Kingston City	July 1, 1966	-
Mar. 30, 1966	To : <u>KINGSTON CITY</u> From: Kingston Township	July 1, 1966	2.825
Feb. 10, 1966	To : <u>KITCHENER CITY</u> From: Waterloo Township	Jan. 1, 1967	2,047.50
Apr. 26, 1966	To : <u>LONDON CITY</u> From: London Township	Jan. 1, 1967	1,200.00
Oct. 6, 1965	To : <u>MILTON TOWN</u> From: Oakville Town) From: Esquesing Township)	Jan. 1, 1966	2,680.00

Schedule "A" continued

<u>Date of Decision</u>		<u>Effective Date</u>	<u>Area - acres</u>
Aug. 31, 1966	To : <u>ORILLIA TOWN</u> From: Orillia Township	Jan. 1, 1967	3,000.00
Jul. 6, 1966	To : <u>OWEN SOUND CITY</u> From: Sydenham Township	Jan. 1, 1967	1,285.00
Feb. 4, 1966	To : <u>PETERBOROUGH CITY</u> From: Otonabee Township	Mar. 1, 1966	90.00
Jan. 21, 1966	To : <u>PORT CREDIT VILLAGE</u> From: Toronto Township	Jan. 1, 1967	35.00
Mar. 1, 1966	To : <u>TILLSONBURG TOWN</u> From: Middleton Township	Apr. 1, 1966	67.00
Sept. 30, 1966	To : <u>TIMMINS TOWN</u> From: Mountjoy Township	Jan. 1, 1967	357.00
Apr. 18, 1966	To : <u>WATERFORD TOWN</u> From: Townsend Township	July 1, 1966	271.13
Feb. 10, 1966	To : <u>WATERLOO CITY</u> From: Waterloo Township	Jan. 1, 1967	127.11
Nov. 24, 1966	To : <u>WATERLOO CITY</u> From: Waterloo Township	Jan. 1, 1967	347.75
Sept. 26, 1966	To : <u>WOODSTOCK CITY</u> From: Blandford Township) From: East Oxford Township)	Jan. 1, 1967	646.00
<u>Amalgamations - 1966</u>			
Nov. 7, 1966	The Township of Capreol and The Township of Hanmer	Jan. 1, 1967	
Sept. 19, 1966	The Borough of East York. Amalgamating the Township of East York and the Town of Leaside	Jan. 1, 1967	
Sept. 8, 1966	The Borough of Etobicoke. Amalgamating the Township of Etobicoke, the Village of Long Branch, the Town of Mimico and the Town of New Toronto	Jan. 1, 1967	
Oct. 11, 1966	The City of Toronto, the Village of Forest Hill and the Village of Swansea	Jan. 1, 1967	

Schedule "A" continued
(Amalgamations)

Date of
Decision

Effective Date

Sept. 20, 1966	The Borough of York. Amalgamating the Township of York and the Town of Weston.	Jan. 1, 1967
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* The last four amalgamations were effected by legis-
lation and the Board's Orders determined incidental
issues.

Dissolutions - 1966

Nov. 18, 1966	The Police Village of Smithville	Jan. 1, 1967
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This is SCHEDULE "B" to the 61ST ANNUAL REPORT of THE ONTARIO MUNICIPAL BOARD

for the year 1966, made to

THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS

Classification of Municipal Capital Expenditures
Approved During 1966

I - MUNICIPAL

<u>(1) General Government</u>	<u>Amount Approved</u>	<u>1966</u>	<u>1965</u>
Civic Buildings	\$ 8,227,814.84		
Civic Equipment	<u>10,730.00</u>	\$ 8,238,544.84	\$22,597,958.46
<u>(2) Protection to Persons & Property</u>			
Fire	1,623,921.64		
Police	3,934,193.00		
Street Lighting	<u>926,226.42</u>	6,484,341.06	2,966,031.75
<u>(3) Public Works</u>			
(a) Grade Separations	2,000,000.00		
Streets, Roads, Lanes	49,778,442.24		
Sidewalks	7,311,455.46		
Bridges	6,846,651.66		
Tunnels & Subways	2,775,300.00		
Road Machinery	1,129,022.79		
Conservation	893,265.36		
Waterways	1,257,257.56		
Workshops, Yards	<u>536,956.12</u>	72,528,351.19	99,418,056.39
(b) Watermains	20,469,769.63		
Sewers	<u>41,421,455.01</u>	61,891,224.64	52,984,054.78
<u>(4) Sanitation & Waste Removal</u>			
Sanitary Sewers	32,848,992.22		
Sewage Treatment	21,545,757.18		
Garbage	3,153,800.00		
Waste Collecting	735,500.00		
Compost Stations	16,500.00		
Air Pollution	210,000.00		
Waste Pollution Control	<u>4,050,000.00</u>	62,560,549.40	43,499,688.05
<u>(5) Health</u>			
Hospitals	<u>5,720,885.20</u>	5,720,885.20	15,692,240.18
<u>(6) Social Welfare</u>			
Homes for Aged	5,989,598.41		
Charitable Institutions	<u>51,000.00</u>	6,040,598.41	5,149,923.00
<u>(7) Recreation Services</u>			
Amusement Parks	5,444,135.00		
Skating Rinks, Arenas	3,298,382.86		
Swimming Pools	2,993,388.00		
Community Centres	<u>3,051,304.74</u>	14,787,210.60	14,455,885.15

Schedule "B" continued

	<u>Amount Approved</u>	<u>1966</u>	<u>1965</u>
(8) <u>Community Services</u>			
Theatres, Art Galleries	\$ 1,200,000.00		
Exhibitions & Fairs	1,800,000.00		
Libraries	2,778,560.77		
Museums, Markets	88,000.00		
Housing	<u>5,726,448.00</u>	<u>11,593,008.77</u>	<u>7,430,130.00</u>
Total General Government		<u>\$249,844,714.11</u>	<u>\$264,193,967.76</u>

II - EDUCATION

Elementary Schools	\$133,033,548.40		
Secondary Schools	<u>184,727,452.01</u>	<u>\$317,761,000.41</u>	<u>\$194,223,882.46</u>

III - UTILITIES and MUNICIPAL ENTERPRISES

Gas	\$ 338,750.00		
Electric Utilities	17,818,526.00		
Water Works	14,429,283.06		
Telephone Municipal	370,000.00		
Transportation	1,476,033.74		
Acquisition of Lands	8,137,214.59		
Others - including Parking Lots	<u>9,056,154.70</u>	<u>\$ 51,625,962.09</u>	<u>\$ 51,719,349.40</u>

S U M M A R Y

General Government	\$249,844,714.11	\$264,193,967.76
Education	317,761,000.41	194,223,882.46
Municipal Enterprises	<u>51,625,962.09</u>	<u>51,719,349.40</u>
	<u>\$619,231,676.61</u>	<u>\$510,137,199.62</u>



ONTARIO

THE ONTARIO MUNICIPAL BOARD
145 Queen Street West
Toronto, 1.

62nd ANNUAL REPORT

of

THE ONTARIO MUNICIPAL BOARD

Upon the Affairs of The Board

During the Year Ended

December 31, 1967

TO: THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS

Pursuant to Section 100 of
The Ontario Municipal Board Act
R.S.O. 1960, Chapter 274



THE ONTARIO MUNICIPAL BOARD
145 Queen Street West
Toronto, 1.

PART I

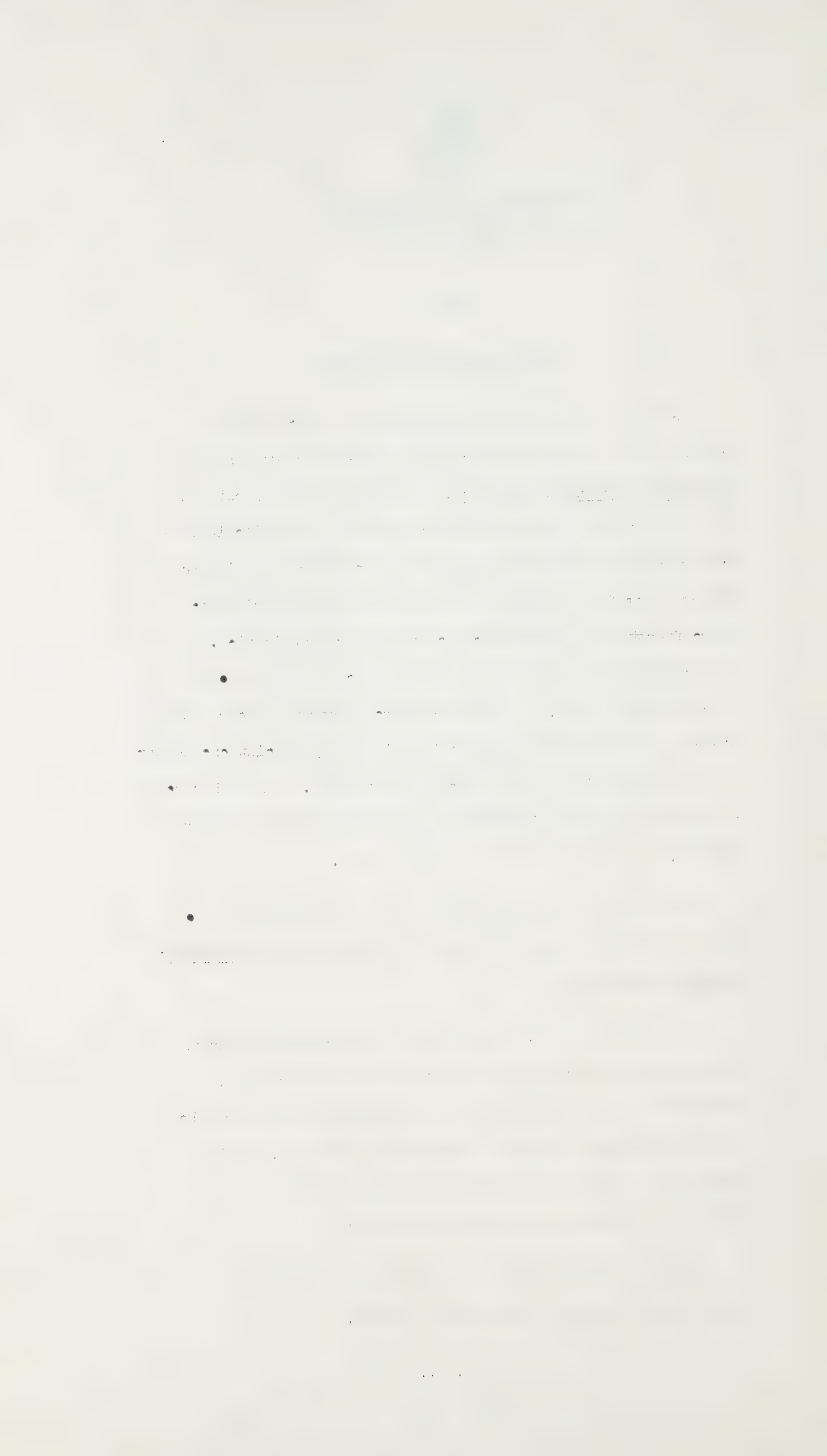
ESTABLISHMENT AND OPERATION

The Board is given jurisdiction under a large number of statutes but its procedure and general powers are governed by The Ontario Municipal Board Act. The Board carries out and performs statutory duties and functions only, and while it is a corporate body the practice is strictly followed of assigning members to specific applications which require a hearing and thereafter they are considered seized of such application. If a change must be made for an unavoidable reason the hearing is commenced de novo. Two members are a quorum to hear and dispose of any application and the Chairman may appoint one member to hear any application and report to the Board. In such cases the decision or order is made by the Chairman or by two other members, one of whom must be a vice-chairman.

The Board is given jurisdiction under a number of statutes but its procedure and general powers are governed by The Ontario Municipal Board Act.

Two functions of the Board, namely, the hearing of assessment appeals from County and District judges and acting as arbitrator to award compensation in expropriation cases can be said to be strictly judicial while most, if not all, of the Board's other jurisdiction, whether by way of appeal or as a tribunal of first instance is administrative.

It will be noted in Part II that the number of Board members was increased in 1966 from 12 to 14.



PART II

MEMBERSHIP AND ORGANIZATION

The membership and organization of the Board during the period covered by this report was as follows:

J. A. KENNEDY, Q.C. (Appointed October 1st, 1956)	Chairman
A. H. ARRELL, Q.C. (Appointed June 30th, 1961)	Vice-Chairman
H. E. ROBERTS (Appointed June 30th, 1961)	Vice-Chairman
D. JAMIESON (Appointed December 1st, 1955)	Vice-Chairman
W. SHUB, Q.C. (Appointed June 1st, 1963)	Vice-Chairman
W. GREENWOOD (Appointed January 1st, 1953)	Member
V. S. MILBURN (Appointed April 1st, 1956)	Member
A. L. McCRAE (Appointed December 1st, 1958)	Member
J. V. LUDGATE (Appointed April 1st, 1962)	Member
F. G. BLAKE (Appointed November 15th, 1962)	Member
R. M. McGUIRE (Appointed November 1st, 1963)	Member
W. T. SHRIVES (Appointed October 18th, 1965)	Member
W. H. J. THOMPSON, Q.C. (Appointed July 1st, 1966)	Member
R. J. MARIN (Appointed September 1st, 1966)	Member
.....	
R. SCOTT (Appointed June 1st, 1967)	Secretary
D. H. SUTHERLAND (Appointed January 1st, 1963)	Registrar
.....	

All Board members and staff are engaged full-time. The Board's Chambers during the year were located in the Ontario Government Building at 145 Queen Street West, Toronto.

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PART III

JURISDICTION AND FUNCTIONS

As mentioned earlier, some of the Board's functions are purely judicial while others are administrative. However, it can be said that the jurisdiction and function of the Board are a part of what is known as the administrative process. The Board is not a department of government but a tribunal exercising a wide variety of jurisdiction with respect to municipalities, a great part of which was exercised at one time by the Executive Council of the province or by the Legislature.

A large number of applications made to this Board, for example, applications for approval of capital expenditures, are dealt with in a purely administrative manner and no hearing of any nature is held. The Board acts on written material filed by the applicant.

Exceptions to this, however, in the case of capital expenditures are those cases in which a special rate is to be charged to recover the whole or part of the cost of a capital project. In many of these cases the statute requires notice to those sought to be specially charged and in all other cases the Board directs such notice. Where there are objections to the payment of a special rate a hearing is always held.

There are also cases in which a public hearing is not required by statute but the Board on its own motion decides that a public hearing should be held.

When the Board does hold a hearing it is subject in law to the rules of natural justice which, as applied in this case, could be stated as follows:

- 1: The tribunal shall be free from bias.
- 2: All persons having an interest in the subject matter shall be heard.

In matters of law and jurisdiction there is an appeal from the Board to the Court of Appeal and on all matters there is an appeal to the Lieutenant-Governor in Council.

The actual duties and functions of the Board are found largely in The Municipal Act, The Assessment Act, The Planning Act and the school acts, but in addition there is a myriad of other statutory provisions which confer jurisdiction on the Board in a very wide variety of cases. The functions and jurisdiction of the Board may be divided into two general categories:

- 1: Responsibility for the sound growth and development of municipalities within the framework of the statutes with particular regard to economic stability.
- 2: Jurisdiction as arbitrator in the first instance or by way of appeal to determine compensation to be paid by the Crown in the right of Ontario or its Crown corporations, by municipalities and other local authorities, and by certain private corporations.

These two divisions are reported on in Parts IV and V respectively of this report.

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PART IV

GROWTH AND ECONOMIC STABILITY OF MUNICIPALITIES

For the purpose of clarity in this report and for convenience the Board's jurisdiction in this part can be divided under the following headings:

- 1: Constitution, Boundary Revision and Dissolution of Municipalities.
- 2: Approval of Capital Undertakings and of the Imposition of Rates and Levies to Recover the Cost Thereof.
- 3: Approval of Restricted Area By-laws, Official Plans and Plans of Subdivision.
- 4: Assessment Appeals.

SECTION IConstitution, Boundary Revision
and Dissolution of Municipalities

Given in Schedule "A" to this report is a list of seventeen annexations ordered by the Board during the year.

Effective January 1st, 1968 the Township of Toronto was erected into the Town of Mississauga.

The Township of Whitby and the Town of Whitby were amalgamated as the new Town of Whitby effective January 1st, 1968.

SECTION 2Approval of Capital Undertakings
and of the Imposition of Rates and
Levies to Recover the Cost Thereof

Each year the Board requires every municipality seeking approval of any capital expenditure to file with the Board a completed questionnaire giving information in some detail as to the assessment and capital debt of the municipality. This information is required and used in assessing the ability of the municipality to incur new capital debt.

In a number of municipalities, which include all cities, a substantial number of towns and villages and a number of townships, the Board requires to be filed a five-year forecast showing

the estimate made by the Council of the capital needs for the whole or part of the cost of which the municipality expects to be called on to issue debentures in each of the five years. This forecast is studied in the light of the financial position of the municipality and if the forecast for the current year is found to be within the financial competence of the municipality and otherwise acceptable, a quota is established for the municipality against which are charged all applications for expenditure. This avoids the necessity of examining the capital position of the municipality on each new application.

The number of municipalities placed on quota during the year 1967 was as follows:

Cities	33	
Towns	61	
Townships	31	
Villages	<u>6</u>	<u>131</u>

The Board also keeps watch over sharp increases in debt of a municipality and over special rates to be imposed to meet the cost of capital undertakings. In the latter case notice is directed to those sought to be specially assessed and if objection is made a hearing is held.

In the year 1967 the Legislature enacted an amendment to Section 64 of The Ontario Municipal Board Act which will permit the Board to make a blanket order approving and at the same time limiting the amount of capital expenditures which may be undertaken by the municipality without specific approval of the Board, providing all other requirements of the law in respect of any particular project have been met. The statute requires that before any project is undertaken the treasurer of the municipality must certify to the Council that sufficient funds remain available for such project out of the blanket amount approved by this Board for the current year.

The Board has proposed to institute this new procedure as a pilot project in a selected number of municipalities during

the year 1968 and would hope that when the procedure has been perfected this advantage would be extended to all municipalities on quota.

The following table shows the number of new capital expenditure applications received and the total amount approved in each of the last five years :

<u>Year</u>	<u>Number</u>	<u>Amount</u>
1963	2,107	\$ 382,913,130.95
1964	2,641	476,794,469.95
1965	2,690	510,137,199.62
1966	2,874	619,231,676.61
1967	2,869	608,595,545.48

As a result of a requirement contained in The Ontario Education Capital Aid Corporation Act passed in 1966 the projects of all school boards to be financed under the provisions of this statute require the approval of this Board under Section 64 of The Ontario Municipal Board Act.

This means that many separate school boards are required, for the first time, to obtain the approval of this Board under Section 64 of The Ontario Municipal Board Act. It is understandable that this legislation has very greatly increased the number of applications to this Board for approval of capital expenditures for school purposes.

Ontario Water Resources Commission

The Ontario Water Resources Commission Act provides for the undertaking by the Commission on behalf of a municipality of the construction of water works and sewerage works. Since these projects create a debt of the municipalities they require the approval of the Board under Section 64 of The Ontario Municipal Board Act. When part of the cost is to be raised by a special rate the Board requires public notice and if objections are made a public hearing is held.

During the year 1967 the Board received 54 applications from the Commission for projects at an estimated cost of \$9,383,985.58.

SECTION 3

Approval of Restricted Area By-laws, Official Plans and Plans of Subdivision

The jurisdiction of the Board under this heading is conferred by The Planning Act.

The various duties imposed on the Board by this Act and particularly by Section 30 which requires Board approval of every land use by-law, or amending by-law, passed under the authority of that section, bring before the Board for consideration difficulties and problems which are perhaps closer to the interests and welfare of the private individual than nearly any other facet of civil government as distinguished from criminal jurisdiction.

This Board has followed the principle that the rights and interests of minorities are often different from the greatest common good of the whole community. Since normally the duty of local elected representatives is to serve the greatest common good, it follows that the rights of individuals or minorities and the decision made by local elected representatives are sometimes severely at variance. Frequently when it is deemed just to approve the decision of the local elected representatives a bitter reaction results from the minority or individuals who may suffer from such a decision. On the other hand, when local elected representatives have carefully and honestly considered a problem and arrived at a decision which in their opinion serves the greatest common good they are often bitter and vocally so when the Board finds it necessary to vary their decision to serve what the Board considers to be paramount private rights.

In this, as in all areas of the Board's jurisdiction, respect must be maintained for local autonomy. Only in case

of clear merit is the decision of local elected representatives reversed.

The number of applications made to the Board under this legislation during the year, with figures for the two previous years, is as follows:

	<u>1967</u>	<u>1966</u>	<u>1965</u>
Applications for approval of restricted area by-laws	1208	1184	1129
Applications for approval of plans of redevelopment	2	8	3
Applications for approval of proposed plans of sub- division	11	14	12
Applications for approval of official plan amendments	33	41	21
Appeals to Board for a direction that a restricted area by-law be amended by council	45	43	47
Appeals from committees of adjustment	401	413	302

SECTION 4

Assessment Appeals

During the year 1967 assessment appeals were made to the Board under the several statutes as follows:

<u>The Assessment Act</u>	223
<u>The Local Improvement Act</u>	5

There were also filed during the year two appeals for a review of the division of liability among municipalities comprising high school districts.

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PART V

ARBITRATIONS IN RESPECT OF COMPENSATION
FOR LANDS TAKEN OR INJURIOUSLY
AFFECTED

The Board has jurisdiction to determine compensation or damages to be allowed for lands taken or injuriously affected under various public statutes. The courts have held that in this field the Board must follow strict rules of evidence and what amounts to reasonably strict court procedure. As required by the rules of natural justice the Board's decisions must be based only on known evidence and after a full hearing conducted according to legal principles. As noted earlier, this is a judicial function.

During the year 1967 applications were made to the Board for compensation for damages to be allowed for lands taken or injuriously affected by authorities with the right of expropriation as follows:

	<u>1967</u>
<u>The Commuter Services Act</u>	1
<u>The Conservation Authorities Act</u>	11
<u>The Expropriation Procedures Act</u>	2
<u>The Highway Improvement Act</u>	32
<u>The Municipal Act</u>	36
<u>The Ontario Water Resources Commission Act</u>	2
<u>The Power Commission Act</u>	3
<u>The Public Service Works on Highways Act</u>	4
<u>The Public Works Act</u>	2
<u>The Schools Administration Act</u>	4
<u>The University Expropriation Powers Act</u>	7
	<u>104</u>

PART VI

REVENUE

In compliance with the requirement of Section 99 of The Ontario Municipal Board Act the Board has adopted a tariff of fees payable on various types of applications and orders.

The following table sets forth the fees received by the Board and transferred to the Treasurer of Ontario for the fiscal year ending March 31st, 1967 and the preceding six years. In conformity with the present system of provincial accounting this table is given for the fiscal year only, in contrast to other statistics contained in this report, which are made for the calendar year ending December 31st, 1967.

<u>Fiscal Year</u>	<u>Amount</u>
1960-61	\$ 320,021.63
1961-62	294,001.91
1962-63	319,086.12
1963-64	308,631.05
1964-65	308,066.04
1965-66	442,623.27
1966-67	578,484.00

The revenues of the Board for the calendar year 1967 amounted to \$568,050.52.

All of which is respectfully submitted.

J. A. KENNEDY
CHAIRMAN

R. SCOTT
SECRETARY

D. H. SUTHERLAND
REGISTRAR

This is SCHEDULE "A" to the 62nd ANNUAL REPORT of THE ONTARIO MUNICIPAL BOARD
for the year 1967, made to

THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS

Decisions Granting Annexations - 1967

<u>Date of Decision</u>		<u>Effective Date</u>	<u>Area - acres</u>
Mar. 14, 1967	To : <u>AURORA TOWN</u> From: <u>Whitchurch Township</u>	Jan. 1, 1968	102.70
Oct. 19, 1967	To : <u>BARRIE CITY</u> From: <u>Innisfil Township</u>	Nov. 17, 1967	50.00
Oct. 6, 1966	To : <u>CALVERT TOWNSHIP</u> From: <u>Iroquois Falls Town (part)</u>	Jan. 1, 1967	7.91
June 19, 1967	To : <u>CARDINAL VILLAGE</u> From: <u>Edwardsburg Township</u>	Jan. 1, 1968	100.00
Aug. 22, 1967	To : <u>ELMIRA TOWN</u> From: <u>Woolwich Township</u>	Jan. 1, 1968	287.59
May 26, 1967	To : <u>FLESHERTON VILLAGE</u> From: <u>Artemesia Township</u>	July 1, 1967	6.15
June 27, 1966	To : <u>GALT CITY</u> From: <u>North Dumfries Township</u>	Jan. 1, 1967	0.641
Mar. 30, 1966	To : <u>HANOVER TOWN</u> From: <u>Bentick Township</u>	Jan. 1, 1967	150.80
May 8, 1967	To : <u>HESPELER TOWN</u> From: <u>Waterloo Township</u>	Jan. 1, 1968	233.70
June 2, 1967	To : <u>LEAMINGTON TOWN</u> From: <u>Mersea Township</u>	Sept. 1, 1967	76.00
Oct. 24, 1967	To : <u>NORTH BAY CITY</u> From: <u>Widdifield Township</u> <u>West Ferris Township</u>	Jan. 1, 1968 Jan. 1, 1968	18,000.00 11,600.00
Mar. 21, 1967	To : <u>PLUMMER ADDITIONAL TOWNSHIP</u> From: <u>Plummer Township</u> <u>Rose Township (west half)</u>	Jan. 1, 1968 Jan. 1, 1968	- -
Jan. 9, 1967	To : <u>PORT CREDIT TOWN</u> From: <u>Toronto Township</u>	Mar. 1, 1967	1,117.00
Sept. 20, 1967	To : <u>RICHMOND HILL TOWN</u> From: <u>Markham Township</u>	Jan. 1, 1968	318.50

Schedule "A" continued

<u>Date of Decision</u>		<u>Effective Date</u>	<u>Area - acres</u>
June 1, 1967	To : <u>TILBURY TOWN</u> From: Tilbury East Township	July 3, 1967	49.80
Apr. 14, 1967	To : <u>TRENTON TOWN</u> From: Murray Township	Jan. 1, 1968	8.64
Nov. 18, 1965	To : <u>WEST FERRIS TOWNSHIP</u> From: East Ferris Township	Jan. 1, 1966	6,350.00

AMALGAMATIONS - 1967

July 21, 1967	The Township of Whitby and the Town of Whitby	Jan. 1, 1968
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This is SCHEDULE "B" to the 62nd ANNUAL REPORT of THE ONTARIO MUNICIPAL BOARD
for the year 1967, made to

THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS

Classification of Municipal Capital Expenditures
approved During 1967

I - MUNICIPAL

<u>1) General Government</u>	<u>Amount Approved</u>	<u>1967</u>	<u>1966</u>
Civic Buildings	\$ 7,221,405.71		
Civic Equipment	146,492.00	\$ 7,367,897.71	\$ 8,238,544.84
<u>2) Protection to Persons & Property</u>			
Fire	1,290,997.65		
Police	1,195,000.00		
Street Lighting	668,325.89	3,154,323.54	6,484,341.06
<u>3) Public Works</u>			
a) Grade Separations	1,769,000.00		
Streets, Roads, Lanes	58,669,170.39		
Sidewalks	5,933,865.85		
Bridges	4,970,786.95		
Tunnels & Subways	81,132,000.00		
Road Machinery	1,000,139.13		
Conservation	3,248,153.18		
Waterways	202,500.00		
Workshops, Yards	1,054,780.00	157,980,395.50	72,528,351.19
b) Watermains	13,737,101.12		
Storm Sewers	45,462,180.15	59,199,281.27	61,891,224.64
<u>4) Sanitation & Waste Removal</u>			
Sanitary Sewers	22,228,990.80		
Sewage Treatment	10,160,960.67		
Garbage	615,000.00	33,004,951.47	62,560,549.40
<u>5) Health</u>			
Clinics	1,234,109.00		
Hospitals	22,233,835.41	23,467,944.41	5,720,885.20
<u>6) Social Welfare</u>			
Homes for Aged	13,812,453.23	13,812,453.23	6,040,598.41
<u>7) Recreation Services</u>			
Amusement Parks	4,515,671.60		
Skating Rinks, Arenas	1,552,354.76		
Swimming Pools	1,681,970.00		
Community Centres	4,447,715.32	12,197,711.68	14,787,210.60

8) <u>Community Services</u>	<u>Amount Approved</u>	<u>1967</u>	<u>1966</u>
Libraries	\$ 2,183,669.60		
Museums, Markets	712,580.00		
Housing	<u>686,521.78</u>	<u>3,582,771.38</u>	<u>11,593,008.77</u>
Total General Government		<u>\$ 313,767,730.19</u>	<u>\$ 249,844,714.11</u>

II - EDUCATION

Elementary Schools	\$173,364,983.61		
Secondary Schools	<u>69,503,078.05</u>	<u>\$ 242,868,061.66</u>	<u>\$ 317,761,000.41</u>

III - UTILITIES

Gas	\$ 28,720.00		
Electricity	15,152,336.14		
Waterworks	9,408,607.49		
Telephone - municipal	560,000.00		
Transportation	5,706,625.00		
Acquisition of lands	14,493,850.00		
Others: including parking lots	<u>6,609,615.00</u>	<u>\$ 51,959,753.63</u>	<u>\$ 51,625,962.09</u>

S U M M A R Y

General Government	\$ 313,767,730.19	\$ 249,844,714.11
Education	242,868,061.66	317,761,000.41
Municipal Enterprises	51,959,753.63	51,625,962.09
	<u>\$ 608,595,545.48</u>	<u>\$ 619,231,676.61</u>



THE ONTARIO MUNICIPAL BOARD
145 Queen Street West
Toronto, 1.

63rd ANNUAL REPORT

of

THE ONTARIO MUNICIPAL BOARD

Upon the Affairs of The Board

During the Year Ended

December 31, 1968

TO: THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS

Pursuant to Section 100 of
The Ontario Municipal Board Act
R.S.O. 1960, Chapter 274

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THE ONTARIO MUNICIPAL BOARD

PART I

NATURE AND SCOPE OF THIS REPORT

Section 100 of The Ontario Municipal Board Act, R.S.O.

1960, Chapter 274, provides as follows:

"100.--(1) The Board shall, after the close
"of each calender year, make an annual re-
"port upon the affairs of the Board to the
"Minister of Municipal Affairs who shall
"file it with the Provincial Secretary.
"

"(2) The Provincial Secretary shall submit
"the report to the Lieutenant Governor in
"Council and shall then lay the report be-
"fore the Assembly if it is in session or,
"if not, at the next ensuing session".

A word as to the nature and extent of the report required might not be amiss. The traditional form and content of the annual reports of many governmental agencies have led some to expect the report of this Board to serve as a sort of "state of the union" or "state of the province" message. Nothing could be farther from what this Board conceives to be the ambit of its duties and therefore what should be the form and nature of its annual report.

As noted in somewhat more detail in Part IV hereunder, this Board is primarily and essentially a tribunal rather than an agency or commission. Consequently it is not the custodian of the "state of the union" or the "state of the province". The purpose of this annual report is to chronicle the conduct by the Board of its statutory duties and functions.

Viewed in this light it must follow that if this annual report is superimposed on that of the year previous it will be found that the figures have changed but the pattern is essentially the same. If the statutory duties were the same as in the previous year, then the two reports must of necessity bear a strong resemblance to each other.

ESTABLISHMENT AND OPERATION

The Board is given jurisdiction under a large number of statutes but its procedure and general powers are governed by The Ontario Municipal Board Act. The Board carries out and performs statutory duties and functions only, and while it is a corporate body the practice is strictly followed of assigning members to specific applications which require a hearing and thereafter they are considered seized of such application. If a change must be made for an unavoidable reason the hearing is commenced de novo. Two members are a quorum to hear and dispose of any application and the Chairman may appoint one member to hear any application and report to the Board. In such cases the decision or order is made by the Chairman or by two other members, one of whom must be a vice-chairman.

A suggestion has been made that more effective use of the personnel of the Board might be achieved if power were given for one member to conduct less important or more routine hearings as this would make it possible to assign three members for more difficult hearings and for hearings of review of previous decisions provided for by Section 42 of The Ontario Municipal Board Act. It would seem that this suggestion is worthy of study.

Two functions of the Board, namely the hearing of assessment appeals from County and District judges and acting as arbitrator to award compensation in expropriation cases, can be said to be strictly judicial while most, if not all, of the Board's other jurisdiction, whether by way of appeal or as a tribunal of first instance, is administrative.

In this connection reference is made to a judgment of the Ontario Court of Appeal in Re Ashby, 1934 O.R. at page 421. There the Court adopted with approval an article setting forth the difference between a judicial and an administrative tribunal. A judicial tribunal hears evidence, makes findings and applies the law; an administrative tribunal hears evidence, makes findings and applies policy.

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PART III

MEMBERSHIP and ORGANIZATION

The membership and organization of the Board during the period covered by this report was as follows:

J. A. KENNEDY, Q.C. (Appointed October 1st, 1956)	Chairman
A. H. ARRELL, Q.C. (Appointed June 30th, 1961)	Vice-Chairman
H. E. ROBERTS (Appointed June 30th, 1961)	Vice-Chairman
D. JAMIESON (Appointed December 1st, 1955)	Vice-Chairman
W. SHUB, Q.C. (Appointed June 1st, 1963)	Vice-Chairman
W. GREENWOOD (Appointed January 1st, 1953 Retired September 30th, 1968)	Member
V. S. MILBURN (Appointed April 1st, 1956 Retired October 31st, 1968)	Member
A. L. McCRAE (Appointed December 1st, 1958)	Member
J. V. LUDGATE (Appointed April 1st, 1962)	Member
F. G. BLAKE (Appointed November 15th, 1962)	Member
R. M. McGUIRE (Appointed November 1st, 1963)	Member
W. T. SHRIVES (Appointed October 18th, 1965)	Member
W. H. J. THOMPSON, Q.C. (Appointed July 1st, 1966)	Member
R. J. MARIN (Appointed September 1st, 1966 Resigned June 30th, 1968)	Member
B. E. SMITH (Appointed August 1st, 1968)	Member
ALAN VAN EVERY, Q.C. (Appointed September 3rd, 1968)	Member
D. S. COLBOURNE (Appointed September 3rd, 1968)	Member
.....	
R. SCOTT (Appointed June 1st, 1967)	Secretary
D. H. SUTHERLAND (Appointed January 1st, 1963)	Registrar

All Board members and staff are engaged full-time. The Board's Chambers during the year were located in the Ontario Government Building at 145 Queen Street West, Toronto, 1.

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PART IV

JURISDICTION AND FUNCTIONS

The jurisdiction and function of this Board are a part of what is known as the administrative process. The Board is not a department of government but a tribunal exercising a wide variety of jurisdiction with respect to municipalities a great part of which was exercised at one time by the Executive Council of the province or by the Legislature.

Many matters which come before the Board are dealt with in a purely administrative manner and no hearing of any nature is held. The Board proceeds on information in writing filed by the applicant or other persons interested. Many applications of this nature dealt with in this way are applications for approval of capital expenditures.

There are a number of types of applications in respect of which the statute requires the Board to hold a public hearing, in some cases on notice to persons specified by the statute, and in other cases on such notice as the Board may determine.

There are also cases in which a public hearing is not required by statute but the Board on its own motion decides that a public hearing should be held.

When the Board does hold a hearing it is subject in law to the rules of natural justice which, as applied in this case, could be stated as follows:

- 1: The tribunal shall be free from bias.
- 2: All persons having an interest in the subject matter shall be heard.

In matters of law and jurisdiction there is an appeal from the Board to the Court of Appeal and on all matters there is an appeal to the Lieutenant-Governor in Council.

The actual duties and functions of the Board are found largely in The Municipal Act, The Assessment Act, The Planning Act and the school acts, but in addition there is a myriad of other statutory provisions which confer jurisdiction on the Board in a very wide variety of cases. The functions and jurisdiction of the Board may be divided into two general categories:

- 1: Responsibility for the sound growth and development of municipalities within the framework of the statutes with particular regard to economic stability.
- 2: Jurisdiction as arbitrator in the first instance or by way of appeal to determine compensation to be paid by the Crown in the right of Ontario or its Crown corporations, by municipalities and other local authorities, and by certain private corporations.

These two divisions are reported on in Parts IV and V respectively of this report.

By The Expropriations Procedures Act, which came into force December 20th, 1968, a Land Compensation Board is established which will assume completely the jurisdiction referred to in 2 above, as well as similar jurisdiction previously vested in County Judges and Official Arbitrators. By that statute this Board is directed to perform all functions of the Land Compensation Board until that Board is established.

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PART V

GROWTH AND ECONOMIC STABILITY OF MUNICIPALITIES

For the purpose of clarity in this report and for convenience the Board's jurisdiction in this part can be divided under the following headings:

- 1: Constitution, Boundary Revision and Dissolution of Municipalities.
- 2: Approval of Capital Undertakings and of the Imposition of Rates and Levies to Recover the Cost thereof.
- 3: Approval of Restricted Area By-laws, Official Plans and Plans of Subdivision.
- 4: Assessment Appeals.

SECTION 1Constitution, Boundary Revision
and Dissolution of Municipalities

Given in Schedule "A" to this report is a list of twenty-seven annexations ordered by the Board during the year.

The Corporation of the Township of Black River and the Corporation of the Town of Matheson were amalgamated.

The Corporation of the Townships of Capreol and Hanmer and the Corporation of the Township of Blezard were amalgamated under the name The Corporation of the Township of Valley East.

The Town of Orillia was elevated to the status of a city.

The Village of Belle River and the Village of Markham were elevated to the status of towns.

The Improvement District of Dorion was erected as a township municipality.

The former Police Village of Noelville was dissolved upon application by the Board of Trustees.

During the year 1968 seventy-seven applications under The Municipal Corporations Quieting Orders Act were received to establish the legal existence, corporate status, proper area and

boundaries, and fifty-two were granted during the year. A list of these municipalities is given in Schedule "B" to this report.

SECTION 2

Approval of Capital Undertakings and of the Imposition of Rates and Levies to Recover the Cost thereof

Each year the Board requires every municipality seeking approval of any capital expenditure to file with the Board a completed questionnaire giving information in some detail as to the assessment and capital debt of the municipality. This information is required and used in assessing the ability of the municipality to incur new capital debt.

In a number of municipalities, which include all cities, a substantial number of towns and villages and a number of townships, the Board requires to be filed a five-year forecast showing the estimate made by the Council of the capital needs for the whole or part of the cost of which the municipality expects to be called on to issue debentures in each of the five years. This forecast is studied in the light of the financial position of the municipality and if the forecast for the current year is found to be within the financial competence of the municipality and otherwise acceptable, a quota is established for the municipality against which are charged all applications for expenditure made during the year. This avoids the necessity of examining the capital position of the municipality at the time of each new application.

The number of municipalities placed on quota during the year 1968 was as follows:

Cities	34	
Towns	60	
Villages	6	
Townships	24	<u>124</u>

At the beginning of 1968, because of the uncertain situation of the currency and the consequent desirability of controlling demands on the money market, the Board instituted a policy of re-

questing all municipal councils and other capital spending bodies to limit their proposed projects in 1968 to those forecast for 1968 in the previous year. The response was not only gratifying but one to reflect great credit on the local officials responsible. In the result, demands for capital borrowing from municipal sources in the year were reduced by about \$150 million.

The Board also keeps watch over sharp increases in the debt of a municipality and over special rates to be imposed to meet the cost of capital undertakings. In the latter case notice is directed to those sought to be specially assessed and if objection is made a hearing is held.

In the year 1967 the Legislature enacted subsection (7) of Section 64 of The Ontario Municipal Board Act which empowers the Board to make a blanket order approving the expenditure of moneys not exceeding a stated sum for any work or works of the type listed without specific approval in each case, providing all other requirements of the law in respect of each particular project have been met. The statute requires that before any project is undertaken the treasurer of the municipality must certify to the Council that sufficient funds remain available for such project out of the blanket amount or amounts approved by this Board for the current year.

The extent of the use made by municipalities of this streamlined procedure has been disappointingly limited in the year 1968. One would hope that in 1969 this situation might improve because of the substantial benefits entailed in saving precious time.

The following table shows the number of new capital expenditure applications received and the total amount approved in each of the last five years:

<u>Year</u>	<u>Number</u>	<u>Amount</u>
1964	2,641	\$ 476,794,469.95
1965	2,690	510,137,199.62
1966	2,874	619,231,676.61
1967	2,869	608,595,545.48
1968	2,841	703,939,055.03

As a result of a requirement contained in The Ontario Education Capital Aid Corporation Act passed in 1966 the projects of all school boards to be financed under the provisions of this statute require the approval of this Board under Section 64 of The Ontario Municipal Board Act.

This means that many separate school boards are required, for the first time, to obtain the approval of this Board under Section 64 of The Ontario Municipal Board Act. It is understandable that this legislation has very greatly increased the number of applications to this Board for approval of capital expenditures for school purposes.

ONTARIO WATER RESOURCES COMMISSION

The Ontario Water Resources Commission Act provides for the undertaking by the Commission on behalf of a municipality of the construction of water works and sewerage works. Since these projects create a debt of the municipalities they require the approval of the Board under Section 64 of The Ontario Municipal Board Act. When part of the cost is to be raised by a special rate the Board requires public notice and if objections are made a public hearing is held.

By an amendment to the statute the Commission is empowered to enter into agreements with municipalities whereby the Commission will construct sewage works and water production works to serve a particular municipality or group of municipalities. The agreement provides that the works shall remain the property of the Province and that a sewage treatment or water supply service is provided for the municipality according to certain specified rates of charges.

When any part of the cost to the municipality is to be raised by a special rate the Board requires public notice and if objections are made a public hearing is held.

During the year 1968 the Board received 53 applications from the Commission for projects at an estimated cost of \$10,375,713.38.

SECTION 3Approval of Restricted Area By-laws,
Official Plans and Plans of Subdivision

The jurisdiction of the Board under this heading is conferred by The Planning Act.

The duties of this nature conferred on the Board are perhaps unique in any democratic jurisdiction. The power to approve official plans, official plan amendments, and plans of subdivision is vested by the statute in the first instance in the Minister of Municipal Affairs. However, the Minister may, and in certain cases shall, refer the application for approval to be decided by this Board. While not required by statute so to do, the Board invariably holds a public hearing on notice to all those believed to have an interest in the subject matter.

No "restricted area" or land use by-law passed under the authority of Section 30 of The Planning Act comes into force without the approval of the Board. A procedure has been established by the Board whereby municipalities are required to give notice of intention to apply to the Board for approval of any such by-law that has been passed. The notice required is one calculated best to bring the proposed application to the notice of all those concerned. A specified period of time, usually fourteen days, is given for objections in writing to be delivered to the municipal clerk. A similar notice is sent to the Community Planning Branch of the Department of Municipal Affairs in order that the Board may receive an opinion from that Branch on planning and technical aspects of the by-law. If these opinions are critical they are made available for comment by those concerned.

If no objection is made approval is practically routine. If there are objections a hearing is held on notice to owners specially concerned and to all objectors.

On these hearings the jurisdiction of the Board rests in a most sensitive area where the democratic fact, rule by the majority, meets and perhaps overshadows or endangers the rights of the minority.

Since normally the duty of local elected representatives is to serve the greatest common good, it follows that the rights of individuals or minorities and the decision made by local elected representatives are sometimes severely at variance. Frequently when it is deemed just to approve the decision of the local elected representatives a bitter reaction results from the minority or individuals who may suffer from such a decision. On the other hand, when local elected representatives have carefully and honestly considered a problem and arrived at a decision which in their opinion serves the greatest common good they are often bitter, and vocally so, when the Board finds it necessary to vary their decision to serve what the Board considers to be paramount private rights.

In this, as in all areas of the Board's jurisdiction, respect must be maintained for local autonomy. Only in case of clear merit is the decision of local elected representatives reversed.

The number of applications made to the Board under this legislation during the year, with figures for the two previous years, is as follows:

	<u>1968</u>	<u>1967</u>	<u>1966</u>
1. Applications for approval of restricted area by-laws	1526	1208	1184
2. Applications for approval of plans of redevelopment	2	2	8
3. Applications for approval of proposed plans of sub-division	5	11	18
4. Applications for approval of official plan amendments	19	33	41
5. Appeals to Board for a direction that a restricted area by-law be amended by council	54	45	43
6. Appeals from committees of adjustment	561	401	413

.....

SECTION 4.

Assessment Appeals

During the year 1968 assessment appeals were made to the Board under the several statutes as follows:

<u>The Assessment Act</u>	227
<u>The Conservation Authorities Act</u>	4
<u>The Local Improvement Act</u>	4
<u>The Municipal Tax Assistance Act</u>	3
<u>The Power Commission Act</u>	<u>5</u>
	<u>243</u>

This compares with 228 such appeals made in the year 1967.

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PART VI

ARBITRATIONS IN RESPECT OF COMPENSATION
FOR LANDS TAKEN OR INJURIOUSLY
AFFECTED

During the year 1968, except as noted earlier in this Report, the Board had jurisdiction to determine compensation or damages to be allowed for lands taken or injuriously affected under various public statutes. The courts have held that in this field the Board must follow strict rules of evidence and what amounts to reasonably strict court procedure. As required by the rules of natural justice the Board's decisions must be based only on known evidence and after a full hearing conducted according to legal principles. As noted earlier, this is a judicial function.

During the year 1968 applications were made to the Board for compensation for damages to be allowed for lands taken or injuriously affected by authorities with the right of expropriation as follows:

	<u>1968</u>
<u>The Conservation Authorities Act</u>	14
<u>The Highway Improvement Act</u>	18
<u>The Municipal Act</u>	71
<u>The Ontario Energy Board Act</u>	1
<u>The Ottawa River Water Powers Act</u>	2
<u>The Power Commission Act</u>	1
<u>The Public Works Act</u>	6
<u>The Schools Administration Act</u>	<u>2</u>
	<u>115</u>

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PART VII

REVENUE

In compliance with the requirement of Section 99 of The Ontario Municipal Board Act the Board has adopted a tariff of fees payable on various types of applications and orders.

The following table sets forth the fees received by the Board and transferred to the Treasurer of Ontario for the fiscal year ending March 31st, 1968 and the preceding six years. In conformity with the present system of provincial accounting this table is given for the fiscal year only, in contrast to other statistics contained in this report, which are made for the calendar year ending December 31st, 1968.

<u>Fiscal Year</u>	<u>Amount</u>
1961-62	\$ 294,001.91
1962-63	319,086.12
1963-64	308,631.05
1964-65	308,066.04
1965-66	442,623.27
1966-67	578,484.00
1967-68	611,815.82

The revenues of the Board for the calendar year 1968 amounted to \$625,419.55.

All of which is respectfully submitted.

J. A. KENNEDY
CHAIRMAN

R. SCOTT
SECRETARY

D. H. SUTHERLAND
REGISTRAR

This is SCHEDULE "A" to the 63rd ANNUAL REPORT of THE ONTARIO MUNICIPAL BOARD

for the year 1968, made to

THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS

Decisions Granting Annexations - 1968

<u>Date of Decision</u>		<u>Effective Date</u>	<u>Area-Acres</u>
Jan. 29, 1968	To : <u>ALLISTON</u> , Town of From: Tossorontio, Township	Mar. 1, 1968	22.941
Oct. 29, 1968	To : <u>BALFOUR</u> , Township From: Chelmsford, Town of Morgan & Creighton (Unorganized Townships)	Jan. 1, 1969	-
Aug. 19, 1968	To : <u>BARRIE</u> , City of From: Vespra Township	Oct. 1, 1968	137.581
Jul. 8, 1968	To : <u>BLENHHEIM</u> , Town of From: Harwich Township	Jan. 1, 1969	1.600
Feb. 12, 1968	To : <u>BOLTON</u> , Village of From: Albion Township	Apr. 1, 1968	130.000
Sep. 19, 1968	To : <u>BOWMANVILLE</u> , Town of From: Darlington Township	Jan. 1, 1969	925.000
June 28, 1968	To : <u>BRAMPTON</u> , Town of From: Chinguacousy Township	Jan. 1, 1969	200.000
Oct. 30, 1968	To : <u>CAPREOL & HANMER</u> , Township From: Lumsden Township (unorganized (part)) Bowell Township (unorganized (all))	Dec. 31, 1968	9,841.000 17,293.000
Jan. 31, 1968	To : <u>CLINTON</u> , Town of From: Goderich Township	July 1, 1968	9.000
Oct. 17, 1968	To : <u>ELORA</u> , Village of From: Nichol Township (part)	Jan. 1, 1969	11.870
Feb. 16, 1968	To : <u>ESSEX</u> , Town of From: Gosfield North Township	Apr. 1, 1968	39.500
Sep. 1, 1967	To : <u>FERGUS</u> , Town of From: Nichol Township West Garafrax Township	Jan. 1, 1968	645.000
Nov. 30, 1967	To : <u>GUELPH</u> , City of From: Puslinch Township (part)	Jan. 1, 1968	46.000
Feb. 23, 1968	To : <u>HAWKESBURY</u> , Town of From: West Hawkesbury Township	Apr. 1, 1968	406.000
Nov. 30, 1967	To : <u>KITCHENER</u> , City of From: Waterloo Township	Jan. 1, 1968	1,650.000
May 7, 1968	To : <u>LANARK</u> , Township of From: Lanark Village	Jan. 1, 1969	1,800.000
Aug. 22, 1968	To : <u>MAXVILLE</u> , Village of From: Kenyon Township	Oct. 1, 1968	7.019
June 10, 1968	To : <u>MILTON</u> , Town of From: Esquesing Township Oakville, Town of	Jan. 1, 1969	2,680.00

Schedule "A" continued

<u>Date of Decision</u>		<u>Effective Date</u>	<u>Area-acres</u>
Oct. 16, 1968	To : <u>PORT ELGIN, Town of</u> From: Saugeen Township	Jan. 1, 1969	13.043
Oct. 1, 1968	To : <u>PRESTON, Town of</u> From: Waterloo Township (part)	Jan. 1, 1969	1,529.800
July 10, 1968	To : <u>SIOUX LOOKOUT, Town of</u> From: certain unorganized territory adjoining the town and described as being situate in Grand Trunk Pacific Block 10, in the District of Kenora, being composed of Parts 1, 2, 3 and 4, Plan KR 1163	Jan. 1, 1969	29.830
Apr. 25, 1968	To : <u>TILBURY, Town of</u> From: Tilbury North Township (part) Tilbury East Township (part)	Feb. 1, 1968	757.500 417.520
Nov. 26, 1968	To : <u>TECK, Township of</u> From: Lebel Township (part)	Jan. 1, 1969	63.700
May 13, 1968	To : <u>WALLACEBURG, Town of</u> From: Dover Township	July 1, 1968	127.180
June 10, 1968	To : <u>WALLACEBURG, Town of</u> From: Chatham Township, part of the Gore	July 15, 1968	19.400
Feb. 28, 1968	To : <u>WATERFORD, Town of</u> From: Townsend Township	April 1, 1968	12.670
Aug. 13, 1968	To : <u>WHEATLEY, Village of</u> From: Romney Township	Oct. 1, 1968	11.500

This is SCHEDULE "B" to the 63rd ANNUAL REPORT of THE ONTARIO MUNICIPAL BOARD

for the year 1968, made to

THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS

Classification of Municipal Capital Expenditures
approved during 1968

I - MUNICIPAL

<u>(1) General Government</u>	<u>Amount Approved</u>	<u>1968</u>	<u>1967</u>
Civic Buildings	\$ 15,323,909.84		
Civic Equipment	<u>247,148.00</u>	\$ 15,571,057.84	\$ 7,367,897.71
<u>(2) Protection to</u> <u>Persons & Property</u>			
Fire	4,841,270.88		
Police	2,055,379.00		
Street Lighting	<u>454,821.90</u>	7,351,471.78	3,154,323.54
<u>(3) Public Works</u>			
(a) Grade Separations	14,512,903.00		
Streets, Roads, Lanes	160,330,814.26		
Sidewalks	5,272,356.98		
Bridges	8,631,968.79		
Tunnels & Subways	435,700.03		
Road Machinery	1,644,512.76		
Conservation	482,794.50		
Waterways	600,000.00		
Workshops, Yards	<u>430,909.00</u>	192,341,959.32	157,980,395.50
(b) Watermains	19,816,546.35		
Storm Sewers	<u>42,822,829.70</u>	62,639,376.05	59,199,281.27
<u>(4) Sanitation & Waste Removal</u>			
Sanitary Sewers	26,884,617.15		
Sewage Treatment	4,419,613.09		
Garbage	710,000.00		
Waste Collection	<u>850,000.00</u>	32,864,230.24	33,004,951.47
<u>(5) Health</u>			
Clinics	2,468,089.80		
Hospitals	12,875,320.07		
Nurses' Residences	<u>631,145.00</u>	15,974,554.87	23,467,944.41
<u>(6) Social Welfare</u>			
Welfare Offices	600,000.00		
Homes for Aged	5,097,795.12		
Charitable Institutions	<u>310,000.00</u>	6,007,795.12	13,812,453.23
<u>(7) Recreation Services</u>			
Amusement Parks	7,637,947.96		
Golf Courses	31,416.00		
Skating Rinks	2,180,445.04		
Swimming Pools	551,049.84		
Community Centre Halls	<u>420,825.00</u>	10,821,683.84	12,197,711.68

(continued)

<u>(8) Community Services</u>	<u>Amount Approved</u>	<u>1968</u>	<u>1967</u>
Theatres, Art Gallaries	\$ 100,000.00		
Exhibitions	30,000.00		
Libraries	1,641,145.00		
Housing	<u>7,960,000.00</u>	<u>9,731,145.00</u>	<u>3,582,771.38</u>
Total General Government		<u>\$353,303,274.06</u>	<u>\$313,767,730.19</u>

II - EDUCATION

Elementary Schools	\$249,027,899.52		
Secondary Schools	<u>38,236,331.02</u>	<u>\$287,264,230.54</u>	<u>\$242,868,061.66</u>

III - UTILITIES

Electricity	\$ 23,847,581.21		
Waterworks	15,449,593.28		
Transportation	1,045,000.00		
Acquisition of lands	17,639,376.64		
Others:			
including parking lots	<u>5,389,999.30</u>	<u>\$ 63,371,550.43</u>	<u>\$ 51,959,753.63</u>

S U M M A R Y

General Government	\$353,303,274.06	\$313,767,730.19
Education	287,264,230.54	242,868,061.66
Utilities	<u>63,371,550.43</u>	<u>51,959,753.63</u>
	<u>\$703,939,055.03</u>	<u>\$608,595,545.48</u>

The first part of the paper is devoted to the study of the properties of the function $f(x)$ defined by the equation $f(x) = \int_0^x f(t) dt$. It is shown that $f(x)$ is a constant function. The second part of the paper is devoted to the study of the properties of the function $f(x)$ defined by the equation $f(x) = \int_0^x f(t) dt$. It is shown that $f(x)$ is a constant function. The third part of the paper is devoted to the study of the properties of the function $f(x)$ defined by the equation $f(x) = \int_0^x f(t) dt$. It is shown that $f(x)$ is a constant function.

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ONTARIO

THE ONTARIO MUNICIPAL BOARD
123 Edward Street
Toronto 1.

64th ANNUAL REPORT

of

THE ONTARIO MUNICIPAL BOARD

Upon the Affairs of the Board

During the Year Ended

December 31, 1969

TO: THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS

Pursuant to Section 100 of
The Ontario Municipal Board Act
R.S.O. 1960, Chapter 274

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ONTARIO

THE ONTARIO MUNICIPAL BOARD

PART I

NATURE AND SCOPE OF THIS REPORT

1.

This report is made under Section 100 of The Ontario Municipal Board Act, R.S.O. 1960, Chapter 274, which provides as follows:

"100.-(1) The Board shall, after the close
"of each calendar year, make an annual re-
"port upon the affairs of the Board to the
"Minister of Municipal Affairs who shall
"file it with the Provincial Secretary.
"
"(2) The Provincial Secretary shall
"submit the report to the Lieutenant Governor
"in Council and shall then lay the report be-
"fore the Assembly if it is in session or,
"if not, at the next ensuing session".

Some suggestions have been made in the past, presumably because of the wide ranging jurisdiction of the Board, that this annual report should in effect review the "state of the province" and analyse some of the problems facing municipalities and possible solutions. This Board does not conceive such to be the intent and purpose of the above statutory provision.

In more recent years especially this Board has fostered and furthered the concept that it acts as a tribunal rather than an agency or commission. Consequently the Board is not the custodian of any phase or aspect of the relations of the Province with the municipalities and this is intended as a report on the affairs of the Board.

Therefore it must follow that if this report is superimposed on that of the year previous it will be found that the figures have changed but the pattern is essentially the same. That is because the Board's duties were the same.

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PART II

ESTABLISHMENT AND OPERATION

The Board acts only to deal with applications made and over which the Board is given jurisdiction by some statute. Many applications require notice either under a statutory provision or under a Board rule established to conform to the rule of natural justice.

Applications which do not require notice normally are decided without a hearing. Capital expenditures by local government bodies, no part of the cost of which is to be recovered out of the general rate, are an example of this type of application. In the case of a great many applications, such as applications for approval of land use control by-laws passed under authority of Section 30 of The Planning Act, no objection is received after notice to those affected and in that event a decision is made by the Board without a hearing.

In all cases in which objections are received and in cases in which the statute requires a hearing, a decision is not made by the Board until after a hearing on due notice.

The Board is given jurisdiction under a large number of statutes but its procedure and general powers are governed by The Ontario Municipal Board Act. The Board carries out and performs statutory duties and functions only, and while it is a corporate body the practice is strictly followed of assigning members to specific applications which require a hearing and thereafter they are considered seized of such application. If a change must be made for an unavoidable reason the hearing is commenced de novo. Two members are a quorum to hear and dispose of any application and the Chairman may appoint one member to hear any application and report to the Board. In such cases the decision or order is made by the Chairman or by two other members, one of whom must be a vice-chairman.

Two functions of the Board, namely the hearing of assessment appeals from County and District judges and acting as arbitrator to award compensation in expropriation cases, can be said to be strictly judicial while most, if not all, of the Board's other jurisdiction, whether by way of appeal or as a tribunal of first instance, is administrative.

In this connection reference is made to a judgment of the Ontario Court of Appeal in Re Ashby, 1934 O.R. at page 421. There the Court adopted with approval an article setting forth the difference between a judicial and an administrative tribunal. A judicial tribunal hears evidence, makes findings and applies the law; an administrative tribunal hears evidence, makes findings and applies policy.

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PART III

MEMBERSHIP and ORGANIZATION

The membership and organization of the Board during the period covered by this report was as follows:

J. A. KENNEDY, Q.C. (Appointed October 1st, 1956)	Chairman
A. H. ARRELL, Q.C. (Appointed June 30th, 1961)	Vice-Chairman
H. E. ROBERTS (Appointed June 30th, 1961)	Vice-Chairman
D. JAMIESON (Appointed December 1st, 1955)	Vice-Chairman
W. SHUB, Q.C. (Appointed June 1st, 1963)	Vice-Chairman
A. L. McCRAE (Appointed December 1st, 1958)	Member
J. V. LUDGATE (Appointed April 1st, 1962)	Member
F. G. BLAKE (Appointed November 15th, 1962)	Member
R. M. McGUIRE (Appointed November 1st, 1963)	Member
W. T. SHRIVES (Appointed October 18th, 1965)	Member
W. H. J. THOMPSON, Q.C. (Appointed July 1st, 1966)	Member
B. E. SMITH (Appointed August 1st, 1968)	Member
ALAN VAN EVERY, Q.C. (Appointed September 3rd, 1968)	Member
D. S. COLBOURNE (Appointed September 3rd, 1968)	Member
.....	
R. SCOTT (Appointed June 1st, 1967)	Secretary
D. H. SUTHERLAND (Appointed January 1st, 1963)	Registrar

All Board members and staff are engaged full-time. The Board's Chambers were moved from the Ontario Government Building at 145 Queen Street West, Toronto 1, to 123 Edward Street on December 5, 1969.

PART IV

JURISDICTION AND FUNCTIONS

The jurisdiction and function of this Board are a part of what is known as the administrative process. The Board is not a department of government but a tribunal exercising a wide variety of jurisdiction with respect to municipalities a great part of which was exercised at one time by the Executive Council of the Province or by the Legislature.

When the Board holds a hearing it is subject in law to the rules of natural justice which, as applied in this case, could be stated as follows:

- 1: The tribunal shall be free from bias.
- 2: All persons having an interest in the subject matter shall be heard.

In matters of law and jurisdiction there is an appeal from the Board to the Court of Appeal and on all matters there is an appeal to the Lieutenant Governor-in-Council.

The actual duties and functions of the Board are found largely in The Municipal Act, The Assessment Act, The Planning Act and the school acts, but in addition there is a myriad of other statutory provisions which confer jurisdiction on the Board in a very wide variety of cases. The functions and jurisdiction of the Board may be divided into two general categories:

- 1: Responsibility for the sound growth and development of municipalities within the framework of the statutes with particular regard to economic stability.
- 2: Jurisdiction as arbitrator in the first instance or by way of appeal to determine compensation to be paid by the Crown in the right of Ontario or its Crown corporations, by municipalities and other local authorities, and by certain private corporations.

These two divisions are reported on in Parts IV and V respectively of this report.

By The Expropriations Procedures Act, which came into force December 20, 1968, a Land Compensation Board is established which will assume completely the jurisdiction referred to in 2 above, as well as similar jurisdiction previously vested in County Judges and Official Arbitrators. By that statute this Board is directed to perform all functions of the Land Compensation Board until that Board is established. It is anticipated that Section 28 of the statute bringing the Land Compensation Board into operation will be proclaimed during the year 1970.

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PART V

GROWTH AND ECONOMIC STABILITY OF MUNICIPALITIES

For the purpose of clarity in this report and for convenience the Board's jurisdiction in this part can be divided under the following headings:

- 1: Constitution, Boundary Revision and Dissolution of Municipalities.
- 2: Approval of Capital Undertakings and of the Imposition of Rates and Levies to Recover the Cost thereof.
- 3: Approval of Restricted Area By-laws, Official Plans and Plans of Subdivision.
- 4: Assessment Appeals.

SECTION 1Constitution, Boundary Revision
and Dissolution of Municipalities

Given in Schedule "A" to this report is a list of nineteen annexations ordered by the Board during the year.

The Improvement District of Marathon was erected as a township municipality.

The Hamlet of Ear Falls was erected as an improvement district.

The former Police Village of Earlton was dissolved upon application by the Board of Trustees.

During the year 1969 fourteen orders were made under The Municipal Corporations Quieting Orders Act to establish the legal existence, corporate status, proper area and boundaries. A list of these municipalities is given in Schedule "C" to this report.

SECTION 2Approval of Capital Undertakings
and of the Imposition of Rates and
Levies to Recover the Cost thereof

Each year the Board requires every municipality seeking approval of any capital expenditure to file with the Board a completed questionnaire giving information in some detail as to the assessment and capital debt of the municipality. This information is required and used in assessing the ability of the municipality to incur new capital debt.

In a number of municipalities, which include all cities, a substantial number of towns and villages and a number of townships, the Board requires to be filed a five-year forecast showing the estimate made by the Council of the capital needs for the whole or part of the cost of which the municipality expects to be called on to issue debentures in each of the five years. This forecast is studied in the light of the financial position of the municipality and if the forecast for the current year is found to be within the financial competence of the municipality and otherwise acceptable, a quota is established for the municipality against which are charged all applications for expenditure made during the year. This avoids the necessity of examining the capital position of the municipality at the time of each new application.

To a greater extent **even** than in 1968, the Board, because of the scarcity of capital funds and very high interest rates, accelerated its policy of encouraging local government bodies to scale down and limit demands on the capital market to the needs for more urgent capital works. Once again the response at the local level was creditable and certainly commendable displaying a keen appreciation by local officials of the serious situation that exists.

For the first time the Board encountered in 1969 the requirement for adjusted procedures made necessary by the coming into force of new school legislation creating larger boards of

education and vesting in most of those boards the power to issue their own debentures for the cost of capital works. Naturally, this meant a completely new system of records of local government debt. Extensive new forms had to be developed and promulgated. The information had to be tabulated both by municipality and by board of education. It is not surprising that some confusion and some delays resulted which in turn impeded the smooth flow of capital expenditures achieved in former years.

It is only fair to report that the Board's staff rose to meet these especially arduous developments and local officials in turn provided most commendable co-operation. A great deal of valuable experience has been gained from those early months and there is reason to hope now that the sharpest corner has been turned. Improved procedures bid fair to solve most of the problems.

The Board also keeps watch over sharp increases in the debt of a municipality and over special rates to be imposed to meet the cost of capital undertakings. In the latter case notice is directed to those sought to be specially assessed and if objection is made a hearing is held.

In the year 1967 the Legislature enacted subsection (7) of Section 64 of The Ontario Municipal Board Act which empowers the Board to make a blanket order approving the expenditure of moneys not exceeding a stated sum for any work or works of the type listed without specific approval in each case, providing all other requirements of the law in respect of each particular project have been met. The statute requires that before any project is undertaken the treasurer of the municipality must certify to the Council that sufficient funds remain available for such project out of the blanket amount or amounts approved by this Board for the current year.

While the use made of this provision in 1968 was rather disappointing, the year 1969 saw a gradual increase in the number of "blanket" applications under this section. There is reason to expect that a more liberal use will be made in the future, resulting in more expeditious processing of many capital expenditures.

The following table shows the number of new capital expenditure applications received and the total amount approved in each of the last five years:

<u>Year</u>	<u>Number</u>	<u>Amount</u>
		\$
1965	2,690	510,137,199.62
1966	2,874	619,231,676.61
1967	2,869	608,595,545.48
1968	2,841	703,939,055.03
1969	2,456	666,407,390.00

The reduction in 1969 from 1968 is a direct result of the efforts of local government to limit demands on the capital market to more urgent needs.

As a result of a requirement contained in The Ontario Education Capital Aid Corporation Act passed in 1966 the projects of all school boards to be financed under the provisions of this statute require the approval of this Board under Section 64 of The Ontario Municipal Board Act.

This means that many separate school boards are required, for the first time, to obtain the approval of this Board under Section 64 of The Ontario Municipal Board Act. It is understandable that this legislation has very greatly increased the number of applications to this Board for approval of capital expenditures for school purposes.

ONTARIO WATER RESOURCES COMMISSION

The Ontario Water Resources Commission Act provides for the undertaking by the Commission on behalf of a municipality

of the construction of water works and sewerage works. Since these projects create a debt of the municipalities they require the approval of the Board under Section 64 of The Ontario Municipal Board Act. When part of the cost is to be raised by a special rate the Board requires public notice and if objections are made a public hearing is held.

By an amendment to the statute the Commission is empowered to enter into agreements with municipalities whereby the Commission will construct sewage works and water production works to serve a particular municipality or group of municipalities. The agreement provides that the works shall remain the property of the Province and that a sewage treatment or water supply service is provided for the municipality according to certain specified rates of charges.

When any part of the cost to the municipality is to be raised by a special rate the Board requires public notice and if objections are made a public hearing is held.

During the year 1969 the Board received 44 applications from the Commission for projects at an estimated cost of \$8,585,235.72.

SECTION 3

Approval of Restricted Area By-laws, Official Plans and Plans of Subdivision

The jurisdiction of the Board under this heading is conferred by The Planning Act.

The duties of this nature conferred on the Board are perhaps unique in any democratic jurisdiction. The power to approve official plans, official plan amendments, and plans of subdivision is vested by the statute in the first instance in the Minister of Municipal Affairs. However, the Minister may, and in certain cases shall, refer the application for

approval to be decided by this Board. While not required by statute so to do, the Board invariably holds a public hearing on notice to all those believed to have an interest in the subject matter.

By-laws authorized by Section 30 of The Planning Act referred to in the statute as restricted area by-laws and commonly referred to as zoning by-laws, are perhaps properly called land use control by-laws. Because this term is cumbersome and the term zoning by-law is so convenient this latter reference is rapidly assuming a status through general acceptance. Study should be given to incorporating this description into the statute with an adequate definition.

No by-law passed under authority of Section 30 of The Planning Act or any amendment comes into force without the approval of the Board. A procedure has been established by the Board whereby municipalities are required to give notice of intention to apply to the Board for approval of any such by-law that has been passed. The notice required is one calculated best to bring the proposed publication to the notice of all those concerned. A specified period of time, usually fourteen days, is given for objections in writing to be delivered to the municipal clerk. A similar notice is sent to the Community Planning Branch of the Department of Municipal Affairs in order that the Board may receive an opinion from that Branch on planning and technical aspects of the by-law. If these opinions are critical they are made available for comment by those concerned.

If no objection is made approval is practically routine. If there are objections a hearing is held on notice to owners specially concerned and to all objectors.

Among the criticisms levelled at the Board is that these decisions should be made by planners and not by laymen to the planning profession. The making of decisions or judgments in disputed cases by technologists is not the basis of jurisprudence in jurisdictions where justice is under the rule of law. The lis is determined after an adversary hearing where professional and technical opinions are expressed by witnesses subject to cross-examination. Opinions that will govern decisions must not be arrived at ex parte, hidden in the mind of the tribunal. This contravenes the adversary system. Before opinions are decisive they must be subject to the light of discussion and especially cross-examination.

Another criticism is that the Board should employ professional planners to advise and assist in decisions. If the adversary system is to be followed anyone advising the Board should be produced in contentious cases to give evidence under oath and be subject to cross-examination. But the Board is firmly of the respectful opinion that the witness in the box should not be an employee of the judge on the bench, especially if he is giving opinion evidence.

The function of the Board in this area, which consists of reviewing decisions by local elected representatives, is to protect the rights of individuals and minorities. Democracy by definition is the rule of the majority but if democracy is to promote justice then it must have a built-in mechanism to protect the rights of the individual - the minority. This is basically the role of the Board under The Planning Act.

The number of applications made to the Board under this legislation during the year, with figures for the two previous years, is as follows:

	<u>1969</u>	<u>1968</u>	<u>1967</u>
1. Applications for approval of restricted area by-laws	1749	1526	1208
2. Applications for approval of plans of redevelopment	2	2	2
3. Applications for approval of proposed plans of subdivision	6	5	11
4. Applications for approval of official plan amendments	37	19	33
5. Appeals to Board for a direction that a restricted area by-law be amended by Council	62	54	45
6. Appeals from committees of adjustment	292	561	401

SECTION 4

Assessment Appeals

During the year 1969 assessment appeals were made to the Board under the several statutes as follows:

<u>The Assessment Act</u>	613
<u>The Conservation Authorities Act</u>	6
<u>The Local Improvement Act</u>	1
<u>The Municipal Tax Assistance Act</u>	4
<u>The Power Commission Act</u>	<u>9</u>
	<u>633</u>

This compares with 243 such appeals made in the year 1968. The increase was in appeals from assessment for municipal taxation. This very large increase was caused chiefly by reassessments in which the level of assessment was raised but resulting, of course, in a lower mill rate.

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PART VI

ARBITRATIONS IN RESPECT OF COMPENSATION
FOR LANDS TAKEN OR INJURIOUSLY
AFFECTED

During the year 1969, except as noted earlier in this Report, the Board had jurisdiction to determine compensation or damages to be allowed for lands taken or injuriously affected under various public statutes. The courts have held that in this field the Board must follow strict rules of evidence and what amounts to reasonably strict court procedure. As required by the rules of natural justice the Board's decisions must be based only on known evidence and after a full hearing conducted according to legal principles. As noted earlier, this is a judicial function.

During the year 1969 applications were made to the Board for compensation for damages to be allowed for lands taken or injuriously affected by authorities with the right of expropriation as follows:

	<u>1969</u>
<u>The Conservation Authorities Act</u>	20
<u>The Highway Improvement Act</u>	17
<u>The Municipal Act</u>	56
<u>The Ontario Energy Board Act</u>	4
<u>The Ontario Water Resources Commission Act</u>	1
<u>The Power Commission Act</u>	2
<u>The Public Hospitals Act</u>	2
<u>The Public Works Act</u>	3
<u>The Secondary Schools and Boards of Education Act</u>	4
	<u>109</u>

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PART VII

REVENUE

In compliance with the requirement of Section 99 of The Ontario Municipal Board Act the Board has adopted a tariff of fees payable on various types of applications and orders.

The following table sets forth the fees received by the Board and transferred to the Treasurer of Ontario for the fiscal year ending March 31st, 1969, and the preceding six years. In conformity with the present system of provincial accounting this table is given for the fiscal year, in contrast to other statistics contained in this report which are made for the calendar year ending December 31st, 1969.

<u>Fiscal Year</u>	<u>Amount</u>
1962-63	\$ 319,086.12
1963-64	308,631.05
1964-65	308,066.04
1965-66	442,623.27
1966-67	578,484.00
1967-68	611,815.82
1968-69	563,956.95

The revenues of the Board for the calendar year 1969 amounted to \$513,278.85, down from \$625,419.55 in the calendar year 1968. This was due entirely to a reduction in the amount of capital expenditures, a reduction as reported earlier due to the monetary situation in Canada.

All of which is respectfully submitted.

J. A. KENNEDY
CHAIRMAN

R. SCOTT
SECRETARY

D. H. SUTHERLAND
REGISTRAR

This is SCHEDULE "A" to the 64th ANNUAL REPORT of THE ONTARIO MUNICIPAL BOARD
for the year 1969, made to

THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS

Orders Granting Annexations - 1969

<u>Date of Order</u>		<u>Effective Date</u>	<u>Area-Acres</u>
Sep. 20, 1968	To : <u>ACTON, Town of</u> From: Esquesing, Township (part)	Oct. 1, 1968	69.787
Dec. 24, 1968	To : <u>ALMONTE, Town of</u> From: Ramsay, Township (part)	Jan. 1, 1969	231.396
Nov. 19, 1969	To : <u>AYR, Village of</u> From: North Dumfries, Township (part)	Jan. 1, 1970	5.000
Oct. 30, 1968	To : <u>CALVERT, Township of</u> From: Iroquois Falls, Town and Teefy, Unorganized Township (part)	Jan. 1, 1969	-
Dec. 2, 1968	To : <u>CAPREOL & HANMER, Township of</u> From: Wisner, Township (part)	Dec. 31, 1968	20,431.000
Jan. 28, 1969	To : <u>CHATHAM, City of</u> From: Dover, Township (part)	Feb. 1, 1969	3.349
Jan. 15, 1969	To : <u>COCHRANE, Town of</u> From: Glackmeyer, Township (part)	Feb. 1, 1969	218.000
Jan. 15, 1969	To : <u>COCHRANE, Town of</u> From: Glackmeyer, Township (part)	Feb. 1, 1969	218.000
Dec. 4, 1968	To : <u>DOULING, Township of</u> From: Fairbanks, Unorganized Township (part)	Jan. 1, 1969	9,326.000
Dec. 2, 1969	To : <u>ELORA, Village of</u> From: Nichol, Township	Jan. 1, 1970	3.210
Mar. 21, 1969	To : <u>GALT, City of</u> From: North Dumfries, Township (part)	Apr. 1, 1969	2.520
Mar. 31, 1969	To : <u>HOWARD, Township of</u> From: Ridgetown, Town	Jan. 1, 1970	25.000
June 5, 1969	To : <u>KINGSTON, Township of</u> From: Kingston, City (part)	June 1, 1969	41.422
Nov. 21, 1969	To : <u>LEAMINGTON, Town of</u> From: Mersea, Township	Jan. 1, 1970	400.500
Sep. 11, 1969	To : <u>NIPISSING, Township</u> From: Gurd, Geographic Township	Jan. 1, 1970	41,573.000
Jul. 31, 1969	To : <u>PERTH, Town of</u> From: North Elmsley, Township (part)	Aug. 1, 1969	100.000

Schedule "A" continued

<u>Date of</u> <u>Order</u>		<u>Effective Date</u>	<u>Area-Acres</u>
Nov. 12, 1968	To : <u>PRESTON, Town of</u> From: Waterloo, Township	Jan. 1, 1969	1,529.000
Mar. 31, 1969	To : <u>RIDGETOWN, Town of</u> From: Howard, Township (part)	Jan. 1, 1970	233.000
Oct. 2, 1968	To : <u>STREETSVILLE, Town of</u> From: Mississauga, Town (part)	Jan. 1, 1969	19.780

This is SCHEDULE "B" to the 64th ANNUAL REPORT of THE ONTARIO MUNICIPAL BOARD

for the year 1969, made to

THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS

Classification of Municipal Capital Expenditures
approved during 1969

I - MUNICIPAL

<u>(1) General Government</u>	<u>Amount Approved</u>	<u>1969</u>	<u>1968</u>
Civic Buildings	\$ 3,342,191.00	\$ 3,342,191.00	\$ 15,571,057.84
<u>(2) Protection to Persons & Property</u>			
Fire	1,788,375.50		
Police	600,000.00		
Court Houses, Jails	158,000.00		
Street Lighting	<u>370,069.00</u>	2,916,444.50	7,351,471.78
<u>(3) Public Works</u>			
(a) Grade Separations	217,414.60		
Streets, Roads, Lanes	76,205,914.28		
Sidewalks	5,428,092.21		
Bridges	6,428,547.00		
Tunnels & Subways	32,294,877.15		
Road Machinery	1,710,324.74		
Conservation	603,154.00		
Waterways	34,440.21		
Workshops, Yards	<u>65,000.00</u>	123,037,764.19	192,341,959.32
(b) Watermains	12,385,403.00		
Storm Sewers	<u>48,378,904.81</u>	60,764,312.81	62,639,376.05
<u>(4) Sanitation & Waste Removal</u>			
Sanitary Sewers	31,793,701.07		
Sewage Treatment	30,098,936.81		
Garbage	5,052,265.00		
Waste Collection	<u>150,000.00</u>	67,099,902.88	32,864,230.24
<u>(5) Health</u>			
Clinics	218,700.35		
Hospitals	<u>15,599,362.32</u>	15,818,583.17	15,974,554.87
<u>(6) Social Welfare</u>			
Welfare Offices	163,000.00		
Homes for Aged	7,962,599.65		
Charitable Institutions	<u>1,497,000.00</u>	9,627,599.65	6,007,795.12
<u>(7) Recreation Services</u>			
Amusement Parks	30,678,042.00		
Skating Rinks	5,081,850.45		
Swimming Pools	1,933,934.57		
Community Centres	<u>2,035,872.56</u>	39,779,699.58	10,821,683.84

(continued)

(8) <u>Community Services</u>	<u>Amount Approved</u>	<u>1969</u>	<u>1968</u>
Theatres, Art Galleries	\$ 500,000.00		
Libraries	4,586,714.00		
Housing	<u>3,350,000.00</u>	<u>8,436,714.00</u>	<u>9,731,145.00</u>
Total General Government		<u>\$330,823,211.73</u>	<u>\$353,303,274.06</u>

II - EDUCATION

Elementary Schools	\$185,366,385.19		
Secondary Schools	<u>79,169,936.41</u>	<u>\$264,536,221.60</u>	<u>\$287,264,230.54</u>

III - UTILITIES

Telephone	50,000.00		
Electricity	17,400,031.00		
Waterworks	27,796,952.13		
Transportation	3,405,000.00		
Acquisition Lands	<u>1,899,672.37</u>		
Others:			
including parking lots	<u>20,496,302.00</u>	<u>\$ 71,047,957.50</u>	<u>\$ 63,371,550.43</u>

S U M M A R Y

General Government	\$330,823,211.78	\$353,303,274.06
Education	264,536,221.60	287,264,230.54
Enterprises	<u>71,047,957.50</u>	<u>63,371,550.43</u>
	<u>\$666,407,390.88</u>	<u>\$703,939,055.03</u>

This is SCHEDULE "C" to the 64th ANNUAL REPORT of THE ONTARIO MUNICIPAL BOARD
for the year 1969, made to
THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS

Quieting Orders Issued in 1969

CARDEN, Township of
DALTON, Township of
ELDON, Township of
EMILY, Township of
FENELON, Township of
HALLOWELL, Township of
LANARK, Township of
FRONT OF LEEDS & LANSDOWNE, Township of
LISTOWEL, Town of
MARYSBURGH NORTH, Township of
RAMSAY, Township of
RIDGETOWN, Town of
SOMERVILLE, Township of
VERULAM, Township of



ONTARIO

THE ONTARIO MUNICIPAL BOARD

123 Edward Street
Toronto 1

65TH ANNUAL REPORT

of

THE ONTARIO MUNICIPAL BOARD

Upon the Affairs of the Board

During the Year Ended

December 31, 1970

TO: THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS

Pursuant to Section 100 of
The Ontario Municipal Board Act
R.S.O. 1960, Chapter 274

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ONTARIO

THE ONTARIO MUNICIPAL BOARD

PART I

NATURE AND SCOPE OF THIS REPORT

Section 100 of The Ontario Municipal Board Act, R.S.O. 1960, Chapter 274, provides as follows:

"100.-(1) The Board shall, after the close
"of each calendar year, make an annual re-
"port upon the affairs of the Board to the
"Minister of Municipal Affairs who shall
"file it with the Provincial Secretary.

"
" (2) The Provincial Secretary shall
"submit the report to the Lieutenant Governor
"in Council and shall then lay the report
"before the Assembly if it is in session or
"if not, at the next ensuing session".

Experience indicates that the real nature and purpose of this section is not generally understood. In some instances criticism has been voiced that a certain annual report was merely a "carbon copy" of the reports of previous years.

A careful, objective analysis of the powers and function of the Board establish clearly that the Board is not a department or agency of government entrusted with the custody of some phase of provincial or municipal jurisdiction.

Certainly in recent years this Board has fostered and furthered the concept that it acts as a tribunal rather than as an agency or commission. A proper report, therefore, in keeping with the provisions of the section and the function of the Board will resemble of necessity in format reports of previous years. This report discusses volume of work, quantitative comparisons of capital expenditures, practices and procedures introduced, followed and developed and conclusions deemed valid and timely from the foregoing.

The report of this Board should not presume to embark on a general commentary about laws and policies of the Province even as these concern municipalities.

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PART II

ESTABLISHMENT AND OPERATION

As noted in Part I the Board acts mainly as a tribunal rather than as an agency or commission.

The Board is established and exists under authority of The Ontario Municipal Board Act, R.S.O. 1960, Chapter 274, as amended. Much of the jurisdiction is created or vested by that statute itself, but many other duties are reposed in the Board by other statutes, notably The Municipal Act, The Planning Act, the School Acts, The Highway Improvement Act and The Assessment Act.

Of course, the rules of natural justice apply to all applications made to the Board. In the case of capital expenditure applications, unless the whole cost is to be paid out of the general rate, notice is required to those sought to be charged with a special rate. In some other cases, such as applications to dispense with a vote of the electors, notice is required by statute. When objections are made a hearing is always held.

The Board requires notice of applications for approval of land use control by-laws passed under authority of The Planning Act to be given to owners especially affected and if the number is too great for individual notice, by publication. If objection is made a hearing is held.

The Board is given jurisdiction under a large number of statutes but its procedure and general powers are governed by The Ontario Municipal Board Act. The Board carries out and performs statutory duties and functions only, and while it is a corporate body the practice is strictly followed of assigning members to specific applications which require a hearing and after the hearing has commenced they are considered seized of such application. If a change must be made for an unavoidable

reason the hearing is commenced de novo. Two members are a quorum to hear and dispose of any application and the Chairman may appoint one member to hear any application and report to the Board. In such cases the decision or order is made by the Chairman or by two other members, one of whom must be a vice-chairman.

One function of the Board, namely the hearing of assessment appeals from County and District judges, can be said to be strictly judicial, while most, if not all, of the Board's other jurisdiction, whether by way of appeal or as a tribunal of first instance, is administrative.

In this connection reference is made to a judgment of the Ontario Court of Appeal in Re Ashby, 1934 O.R. at page 421. There the Court adopted with approval an article setting forth the difference between a judicial and an administrative tribunal. A judicial tribunal hears evidence, makes findings and applies the law; an administrative tribunal hears evidence, makes findings and applies policy. The Board endeavours to avoid use of the expression "quasi-judicial" since this tends to blur some of the basic principles.

Prior to 1969 the Board had jurisdiction to award compensation in expropriation cases but this duty has now been transferred to the Land Compensation Board.

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PART III

MEMBERSHIP AND ORGANIZATION

The membership and organization of the Board during the period covered by this report was as follows:

J. A. KENNEDY, Q.C. (Appointed October 1st, 1956)	Chairman
A. H. ARRELL, Q.C. (Appointed June 30th, 1961)	Vice-Chairman
H. E. ROBERTS (Appointed June 30th, 1961)	Vice-Chairman
D. JAMIESON (Appointed December 1st, 1955)	Vice-Chairman
W. SHUB, Q.C. (Appointed June 1st, 1963)	Vice-Chairman
R. M. McGUIRE (Appointed November 1st, 1963)	Vice-Chairman
A. L. McCRAE (Appointed December 1st, 1958)	Member
J. V. LUDGATE (Appointed April 1st, 1962)	Member
F. G. BLAKE (Appointed November 15th, 1962)	Member
W. T. SHRIVES (Appointed October 18th, 1965)	Member
W. H. J. THOMPSON, Q.C. (Appointed July 1st, 1966)	Member
B. E. SMITH (Appointed August 1st, 1968)	Member
ALAN VAN EVERY, Q.C. (Appointed September 3rd, 1968)	Member
D. S. COLBOURNE (Appointed September 3rd, 1968)	Member
S. S. SPEIGEL (Appointed May 4th, 1970)	Member
H. H. LANCASTER (Appointed September 7th, 1970)	Member
.....	
R. SCOTT (Appointed June 1st, 1967)	Secretary
D. H. SUTHERLAND (Appointed January 1st, 1963)	Registrar

All Board Members and staff are engaged full-time. The Board's Chambers are located at 123 Edward Street, Toronto 101. Enquiry - Sixth Floor.

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PART IV

JURISDICTION AND FUNCTIONS

The jurisdiction and function of this Board are a part of what is known as the administrative process. As noted earlier, the Board is not a department of government but a tribunal exercising a wide variety of jurisdiction with respect to municipalities, a great part of which was exercised at one time by the Executive Council of the Province or by the Legislature.

When the Board holds a hearing it is subject in law to the rules of natural justice which, as applied in this case, could be stated as follows:

- 1: The tribunal shall be free from bias.
- 2: All persons having an interest in the subject matter shall be heard.

The administration of justice could be said to be divided between the judicial arm of government (the courts) and the executive arm of which latter this Board is a branch. The courts operate under strict rules and interpret and follow statutes and precedent. Administrative boards, such as this Board, administer what is sometimes called discretionary justice, having a minimum of rules and a wide spectrum of discretion.

In matters of law and jurisdiction there is an appeal from the Board to the Court of Appeal and on all matters there is an appeal to the Lieutenant Governor-in-Council.

The extent and nature of the jurisdiction of the Board could be described as responsibility for the sound growth and development of municipalities within the framework of the statutes with particular regard to economic stability. Part V of this report deals with this responsibility.

In Part VI is a report on the residual work performed in 1970 by this Board as arbitrator to fix compensation in those cases in which the Land Compensation Board had not been given jurisdiction.

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PART V

GROWTH AND ECONOMIC STABILITY OF MUNICIPALITIES

For the purpose of clarity in this report and for convenience the Board's jurisdiction in this part can be divided under the following headings:

- 1: Constitution, Boundary Revision and Dissolution of Municipalities.
- 2: Approval of Capital Undertakings and of the Imposition of Rates and Levies to Recover the Cost thereof.
- 3: Approval of Restricted Area By-laws, Official Plans and Plans of Subdivision.
- 4: Assessment Appeals.

SECTION 1Constitution, Boundary Revision
and Dissolution of Municipalities

Given in Schedule "A" to this report is a list of ten annexations ordered by the Board during the year.

During the year 1970 the Town of Pembroke was erected into a city and the Township of Calvert into a town with the new name of Iroquois Falls.

The Town of Haileybury and the Township of Bucke were amalgamated under the name of the Town of Haileybury effective January 1, 1971.

On the application of the Trustees the Police Village of Newington in the Township of Osnabruck was dissolved effective January 1, 1971.

SECTION 2Approval of Capital Undertakings
and of the Imposition of Rates and
Levies to Recover the Cost thereof

For a number of years past the Board has required every municipality seeking approval of any capital expenditure to file with the Board a completed questionnaire giving information in

some detail as to the assessment and capital debt of the municipality. This information is required and used in assessing the ability of the municipality to incur new capital debt.

In a number of municipalities, which include all cities, a substantial number of towns and villages and a number of townships, the Board requires to be filed a five-year forecast showing the estimate made by the Council of the capital needs for the whole or part of the cost of which the municipality expects to be called on to issue debentures or undertake other long term debt in each of the five years. This forecast is studied in the light of the financial position of the municipality and if the forecast for the current year is found to be within the financial competence of the municipality and otherwise acceptable, a quota is established for the municipality against which are charged all applications for expenditure made during the year. This avoids the necessity of examining the capital position of the municipality at the time of each new application during the year.

The year 1970 was the second year under the new legislation creating larger boards of education, usually of County or District size, and vesting in those boards the power to issue their own debentures for the cost of capital works.

As reported last year this entailed an enormous amount of additional work at Board level and while the bugs and complications were quite substantial they were somewhat less in 1969 than anticipated. But the anticipation was only delayed. In the year 1970 the full force of the complications engendered by the new procedures descended with its full weight and resulted at times in serious and most embarrassing delays in processing approvals.

This was met by basic revisions in the Board's procedures as well as a systems study of the Board's administrative organization. These have led to a considerable improvement in 1971 and it is reasonable to expect the full benefit will be felt in 1972.

The following table shows the number of new capital expenditure applications received and the total amount approved in each of the last five years:

<u>Year</u>	<u>Number</u>	<u>Amount</u>
		\$
1966	2,874	619,231,676.61
1967	2,869	608,595,545.48
1968	2,841	703,939,055.03
1969	2,456	666,407,390.00
1970	2,425	652,300,476.89

It will be noted there was a reduction in total from 1968 in 1969 and a further reduction in 1970. These are a direct result of the efforts of local government to limit demands on the capital market to more urgent needs. It is suggested this is a source of satisfaction and encouragement to the taxpayer.

As a result of a requirement contained in The Ontario Education Capital Aid Corporation Act passed in 1966 the projects of all school boards to be financed under the provisions of this statute require the approval of this Board under Section 64 of The Ontario Municipal Board Act.

This means that many separate school boards were required, for the first time, to obtain the approval of this Board under Section 64 of The Ontario Municipal Board Act. It is understandable that this legislation has very greatly increased the number of applications to this Board for approval of capital expenditures for school purposes, offsetting to a great extent the reduction resulting from the limiting of capital demands mentioned above.

ONTARIO WATER RESOURCES COMMISSION

The Ontario Water Resources Commission Act provides for the undertaking by the Commission on behalf of a municipality of the construction of water works and sewerage works. Since these projects create a debt of the municipalities they require the approval of the Board under Section 64 of The Ontario Municipal Board Act. When part of the cost is to be raised by a special rate the Board requires public notice and if objections are made a public hearing is held.

By an amendment to the statute the Commission is empowered to enter into agreements with municipalities whereby the Commission will construct sewage works and water production works to serve a particular municipality or group of municipalities. The agreement provides that the works when construction shall remain the property of the Province and that sewage treatment or water supply service is provided to the municipality according to certain specified rates of charges.

When any part of the cost to the municipality is to be raised by a special rate the Board requires public notice and if objections are made a public hearing is held.

During the year 1970 the Board received 38 applications from the Commission for projects at an estimated cost of \$5,834,975.33.

SECTION 3

Approval of Restricted Area By-laws, Official Plans and Plans of Subdivision

This jurisdiction is conferred under The Planning Act.

The duties of this nature conferred on the Board are perhaps unique in any democratic jurisdiction. The power to approve official plans, official plan amendments, and plans of subdivision is vested by the statute in the first instance in the Minister of Municipal Affairs. However, the Minister may, and in certain cases shall, refer the application for approval to be decided by this Board. While not required by statute so to do, the Board invariably holds a public hearing on notice to all those believed to have an interest in the subject matter.

By-laws authorized by Section 30 of The Planning Act, referred to in the statute as restricted area by-laws and commonly referred to as zoning by-laws, are perhaps more properly called land use control by-laws. Because this term is cumbersome and the term zoning by-law is so convenient this latter reference is rapidly assuming a status through general acceptance. Study should be

given to incorporating this description into the statute with an appropriate definition.

The Board's whole practice and administration of this jurisdiction under The Planning Act are both oriented and geared to protect the individuals and minorities having the greatest interest, those in the immediate neighbourhood. The power to pass by-laws or refrain is vested by the statute in the local council. Both in law and in fact these elected representatives are charged with the responsibility of serving the greatest common good of the whole community.

Many cases arise in the control of land use in which the greatest common good is in conflict, sometimes serious conflict, with the rights of individuals or minorities. Democracy is by definition the rule of the majority, but if the aim of democracy is justice, then it demands a built-in mechanism to protect the rights of individuals and minorities. This Board seeks to fill this need by performing a function of review - to give the individual or minority the right to a "day in court".

This Board conducts these hearings under the adversary system. All evidence, whether factual or opinion, can be subjected to the searchlight of trained cross-examination. Written reasons are given for decisions so that the opinions and conclusions upon which decisions are based can be made known and reviewed as required. The Board acts on opinions and conclusions that have been refined and tempered under the adversary process. It does not act on its own private, secret opinions nor on the sheltered advice of its own employees.

A procedure has been established by the Board whereby municipalities are requested to give notice of intention to apply to the Board for approval of any such by-law that has been passed. The notice required is one calculated best to bring the proposed publication to the notice of all those concerned. A specified

period of time, usually fourteen days, is given for objections in writing to be delivered to the municipal clerk. A similar notice is sent to the Community Planning Branch of the Department of Municipal Affairs in order that the Board may receive an opinion from that Branch on planning and technical aspects of the by-law. If these opinions are critical they are made available for study and comment by those concerned.

If no objection is made approval is practically routine. If there are objections a hearing is held on notice to land owners specially concerned and to all objectors.

The number of applications made to the Board under this legislation during the year, with figures for the two previous years, is as follows:

	<u>1970</u>	<u>1969</u>	<u>1968</u>
1: Applications for approval of restricted area by-laws	1527	1749	1526
2: Applications for approval of plans of redevelopment	3	2	2
3: Applications for approval of proposed plans of subdivision	10	6	5
4: Applications for approval of official plan amendments	36	37	19
5: Appeals to Board for a direction that a restricted area by-law be amended by Council	80	62	54
6: Appeals from committees of adjustment	789	292	561

SECTION 4

Assessment Appeals

During the year 1969 assessment appeals were made to the Board under the several statutes as follows:

<u>The Assessment Act</u>	394
<u>The Conservation Authorities Act</u>	2
<u>The Local Improvement Act</u>	2
<u>The Municipal Act</u>	10
<u>The Municipal Tax Assistance Act</u>	2
<u>The Power Commission Act</u>	6
	<u>416</u>

This total of 416 such appeals made in 1970 compares with 633 appeals in 1969 which in turn was a sharp increase over 243 appeals in 1968. The increase in 1969 was caused chiefly by reassessments involving a higher valuation level and the trend as of 1970 would appear to indicate a levelling off.

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PART VI

ARBITRATIONS IN RESPECT OF COMPENSATION
FOR LANDS TAKEN OR INJURIOUSLY
AFFECTED

As noted earlier in this report the jurisdiction of this Board to determine compensation or damages for lands taken or injuriously affected has been decreased by the transfer of almost the whole of this jurisdiction to the Land Compensation Board.

During the year 1970 applications were made to the Board as follows:

	<u>1970</u>
<u>The Conservation Authorities Act</u>	4
<u>The Expropriations Act, 1968-69</u>	116
<u>The Public Service Works on Highways Act</u>	15
<u>The Secondary Schools and Boards of</u> <u>Education Act, 1966</u>	9

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PART VII

REVENUE

In compliance with the requirement of Section 99 of The Ontario Municipal Board Act the Board has adopted a tariff of fees payable on various types of applications and orders.

The following table sets forth the fees received by the Board and transferred to the Treasurer of Ontario for the fiscal year ending March 31, 1970, and the preceding six years. In conformity with the present system of provincial accounting this table is given for the fiscal year, in contrast to other statistics contained in this report which are made for the calendar year ending December 31, 1970.

<u>Fiscal Year</u>	<u>Amount</u>
1963-64	\$ 308,631.05
1964-65	308,066.04
1965-66	442,623.27
1966-67	578,434.00
1967-68	611,815.82
1968-69	563,956.95
1969-70	493,142.11

The revenues of the Board for the calendar year 1970 amounted to \$489,151.81, down from \$513,278.85 in the calendar year 1969. This was due to a reduction in the amount of capital expenditures approved, a reduction as reported earlier due to the monetary situation in Canada.

All of which is respectfully submitted.

J. A. KENNEDY
CHAIRMAN

M. FRASER
ACTING SECRETARY

This is SCHEDULE "A" to the 65th ANNUAL REPORT of THE ONTARIO MUNICIPAL BOARD

for the year 1970, made to

THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS

Orders Granting Annexations - 1970

<u>Date of Order</u>		<u>Effective Date</u>	<u>Area-Acres</u>
Sept. 30, 1970	To : <u>CHATHAM, City of</u> From: Chatham, Township	Jan. 1, 1971	29.50
Oct. 19, 1970	To : <u>RENFREW, Town of</u> From: Horton, Township	Jan. 1, 1971	508.18
Nov. 5, 1969	To : <u>TILBURY, Town of</u> From: Tilbury East, Township	Jan. 1, 1970	202.00
Sept. 15, 1969	To : <u>TAVISTOCK, Village of</u> From: East Zorra, Township	Jan. 1, 1970	105.00
Aug. 13, 1969	To : <u>MARMORA, Village of</u> From: Marmora, Township	Jan. 1, 1970	36.90
Sept. 22, 1969	To : <u>SANDWICH WEST, Township of</u> From: Windsor, City	Jan. 1, 1970	-
Mar. 16, 1970	To : <u>BEAVERTON, Village of</u> From: Thorah, Township	Jan. 1, 1971	395.00
May 7, 1970	To : <u>BARRIE, City of</u> From: Innisfil, Township	June 15, 1970	100.00
June 1, 1970	To : <u>INGERSOLL, Town of</u> From: West Oxford, Township	July 1, 1970	2000.00
June 25, 1970	To : <u>PORT ELGIN, Town of</u> From: Saugeen, Township	Jan. 1, 1971	169.00

This is SCHEDULE "B" to the 65th ANNUAL REPORT of THE ONTARIO MUNICIPAL BOARD

for the year 1970, made to

THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS

Classification of Municipal Capital Expenditures approved during 1970

I - MUNICIPAL

(1) <u>General Government</u>	Amount Approved	<u>1970</u>	<u>1969</u>
Civic Buildings	\$ 4,751,100.00	\$ 4,751,100.00	\$ 3,342,191.00
(2) <u>Protection to Persons & Property</u>			
Fire	2,399,216.36		
Police	14,407,625.00		
Street Lighting	<u>772,672.00</u>	17,579,513.36	2,916,444.50
(3) <u>Public Works</u>			
(a) Grade Separations	6,506,747.01		
Streets, Roads, Lanes	52,552,936.01		
Sidewalks	5,916,380.97		
Bridges	5,639,275.00		
Tunnels, Subways	25,172,863.85		
Road Machinery	1,348,351.50		
Viaducts	110,000.00		
Conservation	<u>80,000.00</u>	97,326,554.34	123,037,764.19
(b) Watermains	13,777,436.34		
Storm Sewers	<u>53,197,018.06</u>	66,974,454.40	60,764,312.81
(4) <u>Sanitation & Waste Removal</u>			
Sanitary Sewers	35,252,210.90		
Sewage Treatment	5,143,453.00		
Garbage	353,000.00		
Waste Collection	<u>9,200,000.00</u>	49,948,663.90	67,099,902.83
(5) <u>Health</u>			
Hospitals	4,327,006.00		
Nurses' Residences	<u>650,000.00</u>	4,977,006.00	15,818,583.17
(6) <u>Social Welfare</u>			
Homes for Aged	26,253,955.00		
Welfare Offices	<u>133,095.00</u>	26,387,050.00	9,627,599.65
(7) <u>Recreation Services</u>			
Amusement Parks	12,106,253.50		
Golf Courses	905,000.00		
Skating Rinks	4,393,838.00		
Swimming Pools	1,165,000.00		
Community Centres	<u>2,505,739.00</u>	21,075,830.50	39,779,699.58

<u>(8) Community Services</u>	<u>Amount Approved</u>	<u>1970</u>	<u>1969</u>
Exhibitions, Fairs	\$ 700,000.00		
Theatres	3,583,800.00		
Libraries	6,472,060.00		
Housing	<u>48,590.00</u>	<u>15,804,450.00</u>	<u>8,436,714.00</u>
Total General Government		<u>\$304,824,622.50</u>	<u>\$330,823,211.78</u>

II - EDUCATION

Elementary Schools	\$117,675,191.31		
Secondary Schools	<u>151,228,239.02</u>	<u>\$268,903,430.33</u>	<u>\$264,536,221.60</u>

III - UTILITIES

Telephone	\$ 137,792.00		
Electricity	14,807,869.00		
Waterworks	19,425,069.24		
Transportation	1,602,000.00		
Acquisition Lands	35,388,153.35		
Others: including parking	4,514,540.47		
Water Pollution	<u>2,647,000.00</u>	<u>\$ 78,572,424.06</u>	<u>\$ 71,047,957.50</u>

S U M M A R Y

General Government		\$304,824,622.50	\$330,823,211.78
Education		268,903,430.33	264,536,221.60
Enterprises		<u>78,572,424.06</u>	<u>71,047,957.50</u>
		<u>\$652,300,476.89</u>	<u>\$666,407,390.38</u>



ONTARIO

ONTARIO MUNICIPAL BOARD
123 Edward Street
Toronto 1

66th ANNUAL REPORT

of

THE ONTARIO MUNICIPAL BOARD

Upon the Affairs of the Board

During the Year Ended

December 31, 1971

TO: THE HONOURABLE THE ATTORNEY GENERAL

Pursuant to Section 100 of
The Ontario Municipal Board Act
R.S.O. 1970, Chapter 323

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SCHEDULE "A"

SCHEDULE "B"

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ONTARIO MUNICIPAL BOARD

PART I

NATURE AND SCOPE OF THIS REPORT

Although reporting on the operation of the Board during the calendar year 1971 it is now made under Section 100 of The Ontario Municipal Board Act as amended by Bill 27 at the 1972 Session and which now reads as follows:

"100. The Board shall, after the close of
"each calendar year, make an annual report
"upon the affairs of the Board to the
"Attorney General who shall submit the
"report to the Lieutenant Governor in Council
"and shall then lay the report before the
"Assembly if it is in session or, if not,
"at the next ensuing session."

Frequently it is suggested that this report should in effect review the "state of the province" at least in so far as municipalities are concerned. This is possibly because of the Board's wide ranging jurisdiction and the image created by daily reports of its work and decisions in the public press.

If this were the purpose and function of this report then obviously it would undergo basic changes from year to year.

But it will be noted that the report required by statute is on "the affairs of the Board", which means the work of the Board. Since the Board's jurisdiction varies very little, if at all, from year to year then its work does not vary greatly and the annual report must be expected to follow the same format.

This Board acts not as an agency of government but as a tribunal. There is a great similarity in the nature of the applications it decides from year to year. Hence the great similarity in the form of its reports from year to year.

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PART II

ESTABLISHMENT AND OPERATION

This Board is what is known in our jurisprudence as a statutory board or statutory tribunal.

Montesquieu's suggested division of government in Legislative, Executive and Judicial Branches seems particularly appropriate in the case of a responsible government (an executive responsible to the Legislature) such as we have in Ontario.

The Judicial branch is the courts. While in a sense they are statutory tribunals since they are created by statute, they are not statutory in the sense that they derive their power from a statute. Their power is derived under a constitution and this includes an inherent power to administer justice. It is their duty to make findings and apply the law.

Statutory tribunals, as distinct from the courts, are an arm of the Executive branch of government in Montesquieu's division. Statutory tribunals derive all their power under some one statute or several statutes. If the power sought to be exercised is not to be found in a statute then the tribunal does not possess that power.

Statutory tribunals can be judicial or administrative. This distinction has the authority of a judgment in the Court of Appeal (Ontario) Re Ashby, 1934 O.R. at Page 421. In that judgment the Court declared the difference to be that a judicial tribunal hears evidence, makes findings and applies the law, while an administrative tribunal hears evidence, makes findings and applies policy. The Board endeavours to avoid use of the term "quasi-judicial" since this tends to blur some of the basic principles.

In hearing assessment appeals the Board acts as a judicial tribunal. In all other matters in which it now has jurisdiction it acts as an administrative tribunal.

The Board is established and exists under authority of The Ontario Municipal Board Act, R.S.O. 1970, Chapter 323, as amended. Much of the jurisdiction is created or vested by that statute itself, but many other duties are reposed in the Board by other statutes, notably The Municipal Act, The Planning Act, the School Acts, The Highway Improvement Act and The Assessment Act.

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PART III

MEMBERSHIP AND ORGANIZATION

The membership and organization of the Board during the period covered by this report was as follows:

J. A. KENNEDY, Q.C. (Appointed October 1st, 1956)	Chairman
A. H. ARRELL, Q.C. (Appointed June 30th, 1961)	Vice-Chairman
H. E. ROBERTS (Appointed June 30th, 1961)	Vice-Chairman
D. JAMIESON (Appointed December 1st, 1955)	Vice-Chairman
W. SHUB, Q.C. (Appointed June 1st, 1963)	Vice-Chairman
R. M. MCGUIRE (Appointed November 1st, 1963)	Vice-Chairman
A. L. McCRAE (Appointed December 1st, 1958)	Member
F. G. BLAKE (Appointed November 15th, 1962)	Member
W. T. SHRIVES (Appointed October 18th, 1965)	Member
W. H. J. THOMPSON, Q.C. (Appointed July 1st, 1966)	Member
B. E. SMITH (Appointed August 1st, 1968)	Member
ALAN VAN EVERY, Q.C. (Appointed September 3rd, 1968)	Member
D. S. COLBOURNE (Appointed September 3rd, 1968)	Member
S.S. SPEIGEL (Appointed May 4th, 1970)	Member
H. H. LANCASTER (Appointed September 7th, 1970)	Member
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K. C. ANDREWS (Appointed September 14th, 1971)	Secretary
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All Board Members and staff are engaged full-time. The Board's Chambers are located at 123 Edward Street, Toronto 101. Enquiry - Sixth Floor.

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PART IV

JURISDICTION AND FUNCTIONS

The jurisdiction and function of this Board are a part of what is known as the administrative process. As noted earlier, the Board is not a department of government but a tribunal exercising a wide variety of jurisdiction with respect to municipalities, a great part of which was exercised at one time by the Executive Council of the Province or by the Legislature.

Of course, the rules of natural justice apply to all applications made to the Board. In the case of capital expenditure applications, unless the whole cost is to be paid out of the general rate, notice is required to those sought to be charged with a special rate. In some other cases, such as applications to dispense with a vote of the electors, notice is required by statute. When objections are made a hearing is always held.

The administration of justice could be said to be divided between the judicial arm of government (the courts) and the executive arm of which latter this Board is a branch. The courts operate under strict rules and interpret and follow statutes and precedent. Administrative boards, such as this Board, administer what is sometimes called discretionary justice, having a minimum of rules and a wide spectrum of discretion.

The Board requires notice of applications for approval of land use control by-laws passed under authority of The Planning Act to be given to owners especially affected and if the number is too great for individual notice, by publication. If objection is made a hearing is held.

In matters of law and jurisdiction there is an appeal from the Board to the Court of Appeal and on all matters there is an appeal to the Lieutenant Governor in Council.

The extent and nature of the jurisdiction of the Board could be described as responsibility for the sound growth and development of municipalities within the framework of the statutes with particular regard to economic stability.

Part V of this report deals with this responsibility.

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PART V

GROWTH AND ECONOMIC STABILITY OF MUNICIPALITIES

For the purpose of clarity in this report and for convenience the Board's jurisdiction in this part can be divided under the following headings:

- 1: Constitution, Boundary Revision and Dissolution of Municipalities
- 2: Approval of Capital Undertakings and of the Imposition of Rates and Levies to Recover the Cost thereof
- 3: Approval of Restricted Area By-laws, Official Plans and Plans of Subdivision
- 4: Assessment Appeals

SECTION 1Constitution, Boundary Revision
and Dissolution of Municipalities

Given in Schedule "A" to this report is a list of fifteen annexations ordered by the Board during the year as well as two amalgamations, one erection of a town and a redivision into wards in the City of Kingston.

SECTION 2Approval of Capital Undertakings
and of the Imposition of Rates and
Levies to Recover the Cost thereof

For a number of years past the Board has required every municipality seeking approval of any capital expenditure to file with the Board a completed questionnaire giving information in some detail as to the assessment and capital debt of the municipality. This information is required and used in assessing the ability of the municipality to incur new capital debt.

In a number of municipalities, which include all cities, a substantial number of towns and villages and a number of townships, the Board requires to be filed a five-year forecast showing the estimate made by the Council of the capital needs for the whole or part of the cost of which the municipality

expects to be called on to issue debentures or undertake other long term debt in each of the five years. This forecast is studied in the light of the financial position of the municipality and if the forecast for the current year is found to be within the financial competence of the municipality and otherwise acceptable, a quota is established for the municipality against which are charged all applications for expenditure made during the year. This avoids the necessity of examining the capital position of the municipality at the time of each new application during the year.

The year 1971 was the third year under the legislation creating larger boards of education, usually of county or district size, and giving to those boards, except in Metropolitan Toronto, the power to issue their own debentures for the cost of capital works.

This change, effective originally in 1969, entailed an enormous amount of additional work for this Board since it made necessary completely new methods of processing applications and distributing debt incurred for school purposes. Complications engendered by these new procedures were to be expected but did not descend with their full force until the second year, 1970. The experience gained (perhaps suffered would be more descriptive) led to a basic revision of procedures in 1971. These consisted in obtaining statistics on school debt from the Finance Branch of the Department of Municipal Affairs and forecasts of new applications and capital needs from the Department of Education.

There was some hesitation in obtaining this data in this way rather than from the local level but frustrating experience in 1970 made it mandatory in the public interest that this new means be employed. The result was well rewarding, indeed salutary. This method has been continued with some modifications in 1972.

The following table shows the number of new capital expenditure applications received and the total amount approved in each of the last five years:

<u>Year</u>	<u>Number</u>	<u>Amount</u> \$
1967	2,869	608,595,545.48
1968	2,841	703,939,055.03
1969	2,456	666,407,390.00
1970	2,425	652,300,476.89
1971	2,523	509,516,535.93

SECTION 3

Approval of Restricted Area By-laws, Official Plans and Plans of Subdivision

This jurisdiction is conferred under The Planning Act.

The duties of this nature conferred on the Board are perhaps unique in any democratic jurisdiction. The power to approve official plans, official plan amendments and plans of subdivision is vested by the statute in the first instance in the Minister of Municipal Affairs. However, the Minister may, and in certain cases shall, refer the application for approval to be decided by this Board. While not required by statute so to do, the Board invariably holds a public hearing on notice to all those believed to have an interest in the subject matter.

By-laws authorized by Section 35 of The Planning Act, referred to in the statute as restricted area by-laws and commonly referred to as zoning by-laws, are perhaps more properly called land use control by-laws. Because this term is cumbersome and the term zoning by-law is so convenient this latter reference is rapidly assuming a status through general acceptance. Study should be given to incorporating this description into the statute with an appropriate definition.

The Board's whole practice and administration of this jurisdiction under The Planning Act are both oriented and geared to protect the individuals and minorities having the greatest interest, those in the immediate neighbourhood. The power to pass by-laws or refrain is vested by the statute in the local council. Both in law and in fact these elected

representatives are charged with the responsibility of serving the greatest common good of the whole community.

A procedure has been established by the Board whereby municipalities are requested to give notice of intention to apply to the Board for approval of any such by-law that has been passed. The notice required is one calculated best to bring the proposed publication to the notice of all those concerned. A specific period of time, usually fourteen days, is given for objections in writing to be delivered to the municipal clerk. A similar notice is sent to the Community Planning Branch of the Department of Municipal Affairs in order that the Board may receive an opinion from that Branch on planning and technical aspects of the by-law. If these opinions are critical they are made available for study and comment by those concerned.

If no objection is made approval is practically routine. If there are objections a hearing is held in the municipality on notice to land owners specially concerned and to all objectors.

At these hearings the Board determines first whether the measure proposed is a reasonable exercise of the discretion reposed in council by the Legislature. If the answer to that question is in the negative that is the end of the matter.

If, however, the answer is in the affirmative, the Board proceeds to inquire and determine whether any individual or minority right is unduly interfered with or invaded by the proposed measure. If the answer to that question is in the affirmative the Board declines to approve unless the measure is required in the public interest and there is no reasonable alternative to serve the public interest in an acceptable way. If the answer to this question is in the negative the Board proceeds to examine objections that the measure does not conform to good planning principles and concepts.

On this question the Board considers the evidence and submissions and will make findings. If these are in favour the proposed measure will be approved. If they are not and the measure before the Board has been proposed by the local council, the matter will be referred back to council with the Board's comments for further consideration.

But in the final analysis where only the public interest is concerned and the measure seems a reasonable exercise of the discretion vested in council by the Legislature, the Board will defer to the judgment or decision of the local elected representatives.

	<u>1971</u>	<u>1970</u>	<u>1969</u>
1: Applications for approval of restricted area by-laws	1607	1527	1749
2: Applications for approval of plans of redevelopment	11	3	2
3: Applications for approval of proposed plans of subdivision	8	10	6
4: Applications for approval of official plan amendments	38	36	37
5: Appeals to Board for a direction that a restricted area by-law be amended by Council	87	80	62
6: Appeals from committees of adjustment	976	789	292

SECTION 4

Assessment Appeals

During the year 1970 assessment appeals were made to the Board under the several statutes as follows:

<u>The Assessment Act</u>	267
<u>The Conservation Authorities Act</u>	34
<u>The Local Improvement Act</u>	3
<u>The Highway Improvement Act</u>	11
<u>The Municipal Act</u>	5
Other	<u>18</u>
	<u>338</u>

PART VI

REVENUE

In compliance with the requirement of Section 99 of The Ontario Municipal Board Act the Board has adopted a tariff of fees payable on various types of applications and orders.

The following table sets forth the fees received by the Board and transferred to the Treasurer of Ontario for the fiscal year ending March 31, 1971, and the preceding six years. In conformity with the present system of provincial accounting this table is given for the fiscal year, in contrast to other statistics contained in this report which are made for the calendar year ending December 31, 1971.

<u>Fiscal Year</u>	<u>Amount</u>
1964-65	\$ 308,066.04
1965-66	442,623.27
1966-67	578,484.00
1967-68	611,815.82
1968-69	563,956.95
1969-70	493,142.11
1970-71	515,709.01

The revenues of the Board for the calendar year 1971 amounted to \$452,308.16, down from \$489,151.81 in the calendar year 1970. This was due to a reduction in the total amount of capital expenditures approved.

All of which is respectfully submitted.

J. A. KENNEDY
CHAIRMAN

K. C. ANDREWS
SECRETARY

This is SCHEDULE "A" to the 66TH ANNUAL REPORT of THE ONTARIO MUNICIPAL BOARD
for the year 1971, made to

THE HONOURABLE THE ATTORNEY GENERAL

Orders Granting Annexations - 1971

<u>Date of Order</u>		<u>Effective Date</u>	<u>Area-Acres</u>
June 30, 1971	To : <u>KINGSTON, City of</u> From: Kingston, Township	Aug. 1, 1971	33.392
July 29, 1971	To : <u>GALT, City of</u> From: North Dumfries, Township	Sept. 1, 1971	67.000
Oct. 21, 1971	To : <u>GUELPH, City of</u> From: Guelph, Township	Jan. 1, 1972	51.340
Aug. 6, 1969	To : <u>PETERBOROUGH, City of</u> From: North Monaghan, Township	Jan. 1, 1971	115.700
Jan. 11, 1971	To : <u>LONDON, City of</u> From: Westminster, Township	March 1, 1971	58.000
Dec. 22, 1970	To : <u>HANOVER, Town of</u> From: Brant, Township	Feb. 1, 1971	16.000
Mar. 9, 1970	To : <u>WINCHESTER, Village of</u> From: Winchester, Township	May 1, 1970	11.960
Aug. 24, 1970	To : <u>HEARST, Town of</u> From: Way, Township	Jan. 1, 1971	350.000
Aug. 11, 1969	To : <u>SOUTHAMPTON, Town of</u> From: Saugeen, Township	Jan. 1, 1970	50.000
Mar. 10, 1971	To : <u>OWEN SOUND, City of</u> From: Sydenham, Township	Apr. 15, 1971	8.500
Mar. 10, 1971	To : <u>OWEN SOUND, City of</u> From: Sydenham, Township	Apr. 15, 1971	20.000
Aug. 19, 1971	To : <u>WALKERTON, Town of</u> From: Brant, Township	Oct. 1, 1971	30.320
June 30, 1971	To : <u>KINGSTON, Township of</u> From: Kingston, City	Aug. 1, 1971	41.422
Apr. 26, 1971	To : <u>BLenheim, Town of</u> From: Harwich, Township	June 1, 1971	1.545
Oct. 25, 1971	To : <u>SIMCOE, Town of</u> From: Woodhouse, Township	Jan. 1, 1972	276.000

Orders Granting Amalgamations - 1971

Black River-Matheson, Township of - Playfair, Township of	Jan. 1, 1972
Black River-Matheson, Township of - Kingham, Improvement District	Jan. 1, 1972

Orders Granting Erections - 1971

To : KIRKLAND LAKE, Town of
From: Teck, Township

Orders Granting Redivision Into Wards

City of Kingston

This is SCHEDULE "B" to the 66TH ANNUAL REPORT of THE ONTARIO MUNICIPAL BOARD

for the year 1971, made to

THE HONOURABLE THE ATTORNEY GENERAL

Classification of Municipal Capital Expenditures approved during 1971

I - MUNICIPAL

(1)	<u>General Government</u>	<u>Amount Approved</u>	<u>1971</u>	<u>1970</u>
	Civic Buildings	\$ 9,158,100.00	\$ 9,158,100.00	\$ 4,751,100.00
(2)	<u>Protection to Persons and Property</u>			
	Fire	4,405,792.96		
	Police	3,495,500.00		
	Street Lighting	766,339.18	8,667,632.14	17,579,513.36
(3)	<u>Public Works</u>			
(a)	Grade Separations	4,547,000.00		
	Streets, Roads, Lanes	68,764,109.40		
	Sidewalks	7,643,224.58		
	Bridges	22,138,528.29		
	Tunnels, Subways	600,000.00		
	Road Making Machinery	952,200.05		
	Conservation Projects	1,663,303.00		
	Workshops, Yards	1,102,100.00		
	Waterways, Harbour Developments	14,874.45	107,425,339.77	97,326,554.34
(b)	Watermains	15,892,973.29		
	Storm Sewers	97,120,361.37	113,013,334.66	66,974,454.40
(4)	<u>Sanitation & Waste Removal</u>			
	Sanitary Sewers	23,025,152.52		
	Sewage Treatment	29,413,873.44		
	Garbage	75,000.00		
	Waste Collection	517,000.00		
	Pollution	6,085,590.00		
	Comfort Stations	100,000.00		
	Health Clinics	1,105,300.00	60,321,915.96	49,948,663.90
(5)	<u>Health</u>			
	Hospitals	12,533,951.00	12,533,951.00	4,977,006.00
(6)	<u>Social Welfare</u>			
	Home for Aged	5,389,900.00	5,389,900.00	26,387,050.00
(7)	<u>Recreation Services</u>			
	Amusement Parks	3,962,253.00		
	Golf Courses	281,000.00		
	Skating Rinks	5,015,472.56		
	Swimming Pools	2,453,090.00		
	Community Centres	8,107,050.00	19,818,865.56	21,075,830.50
(8)	<u>Community Services</u>			
	Exhibitions, Fairs	925,000.00		
	Libraries	9,377,012.00		
	Housing	4,378,000.00	14,680,012.00	15,804,450.00
	Total General Government		\$351,009,051.09	\$304,824,622.50

II - EDUCATION

Elementary Schools	\$ 69,834,250.60		
Secondary Schools	<u>46,566,253.00</u>	\$116,400,503.60	\$268,903,430.33

III - UTILITIES

Telephone	925,000.00		
Electricity	4,878,494.32		
Waterworks	18,901,750.15		
Transportation	1,664,900.00		
Acquisition of Lands	6,373,942.77		
Others: parking included	9,312,894.00		
Water Pollution	<u>50,000.00</u>	42,106,981.24	78,572,424.06

S U M M A R Y

General Government		\$351,009,051.09	\$304,824,622.50
Education		116,400,503.60	268,903,430.33
Utilities		<u>42,106,981.24</u>	<u>78,572,424.06</u>
		<u>\$509,516,535.93</u>	<u>\$652,300,476.89</u>

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